



Renting Homes (Amendment) (Wales) Act 2021

2021 asc 3

Landlord's notice: minimum notice periods

1 Landlord's notice under periodic standard contract: minimum notice period

(1) The [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#) (“the 2016 Act”) is amended as follows.

(2) In section 174 (notices under section 173: minimum notice period)—

- (a) in subsection (1), for “two months” substitute “six months”;
- (b) for subsection (2) substitute—

“(2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts, except periodic standard contracts which—

- (a) do not incorporate section 173 as a term of the contract, or
- (b) are within Schedule 8A (whether or not they incorporate section 173 as a term of the contract).”

(3) After section 174, insert—

“174A Minimum notice period: periodic standard contracts within Schedule 8A

(1) If a periodic standard contract is within Schedule 8A, the date specified in a notice under section 173 may not be less than two months after the day on which the notice is given to the contract-holder.

(2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts which—

- (a) incorporate section 173 as a term of the contract, and
- (b) are within Schedule 8A.”

2 Landlord’s break clause under fixed term standard contract: minimum notice period

- (1) The 2016 Act is amended as follows.
- (2) In section 195 (landlord’s break clause: minimum notice period)—
- (a) in subsection (1), for “two months” substitute “six months”;
 - (b) for subsection (2) substitute—
 - “(2) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts, except fixed term standard contracts which—
 - (a) do not have a landlord’s break clause, or
 - (b) are within Schedule 8A (whether or not they have a landlord’s break clause).”
- (3) After section 195 insert—

“195A Minimum notice period: fixed term standard contracts within Schedule 8A

- (1) If a fixed term standard contract is within Schedule 8A, the date specified in a notice under a landlord’s break clause may not be less than two months after the day on which the notice is given to the contract-holder.
- (2) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts which—
 - (a) have a landlord’s break clause, and
 - (b) are within Schedule 8A.”

3 Standard contracts with minimum notice period of two months

Schedule 1 inserts a new Schedule 8A into the 2016 Act, setting out standard contracts which can be terminated by the landlord on giving two months’ notice.

When landlord’s notice may be given

4 Landlord’s notice under periodic standard contract: when notice may be given

- (1) In section 175 of the 2016 Act (restrictions on giving notice under section 173 in first four months of occupation)—
 - (a) in subsection (1), for “four months” substitute “six months”;
 - (b) in subsection (2), for “four months” substitute “six months”.
- (2) The heading of section 175 becomes “Restriction on section 173: notice may not be given until after the first six months of occupation”.

5 Landlord’s break clause under fixed term standard contract: when notice may be given

- (1) In section 196 of the 2016 Act (restrictions on use of landlord’s break clause in first four months of occupation)—

- (a) in subsection (1), for “four months” substitute “18 months”;
 - (b) omit subsections (2) and (3).
- (2) The heading of section 196 becomes “Restriction on use of landlord’s break clause until after the first 18 months of occupation”.

Giving and withdrawing landlord’s notice

6 Restrictions on giving notice under section 173 or 186 or under a landlord’s break clause: breaches of statutory obligations

- (1) The 2016 Act is amended as follows.
- (2) For section 176 (restrictions on giving notice under section 173: information requirements) substitute—

“176 Restrictions on giving notice under section 173: breaches of statutory obligations

Schedule 9A imposes restrictions on the giving of notice under section 173, related to breaches of certain statutory obligations.”

- (3) After section 186 (landlord’s notice in connection with end of fixed term) insert—

“186A Restrictions on giving notice under section 186: breaches of statutory obligations

Schedule 9A imposes restrictions on the giving of notice under section 186, related to breaches of certain statutory obligations.”

- (4) For section 197 (restrictions on giving notice under a landlord’s break clause: information requirements) substitute—

“197 Restrictions on use of landlord’s break clause: breaches of statutory obligations

Schedule 9A imposes restrictions on the giving of notice under a landlord’s break clause, related to breaches of certain statutory obligations.”

- (5) In the [Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(anaw 2\)](#)—

- (a) for section 20 (restrictions on terminating contracts), substitute—

“20 Restrictions on terminating standard occupation contracts

Schedule 9A to the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#) includes provision relating to standard occupation contracts preventing a landlord from giving a notice seeking possession of a dwelling under section 173 or 186 of that Act, or under a landlord’s break clause, if the landlord has not complied with provisions of this Act relating to prohibited payments and retained holding deposits.”;

- (b) omit Schedule 3 (which provides for the insertion of sections 177A, 186A to 186C and 198A into the 2016 Act, and other related amendments to that Act).

- (6) Schedule 2 inserts a new Schedule 9A into the 2016 Act, which—
- (a) replicates the restrictions on the giving of notices seeking possession set out in sections 176 to 177A, 186A to 186C and 197 to 198A of the 2016 Act as they stood before being amended or omitted by virtue of this Act, and
 - (b) includes a power to amend Schedule 9A.

7 **Restrictions on giving further landlord’s notices under periodic standard contract**

For section 177 of the 2016 Act (restrictions on giving notice under section 173: security and deposit requirements) substitute—

“177 Restrictions on giving further notices under section 173

- (1) Subsections (2) and (3) apply where—
 - (a) a landlord has given a contract-holder a notice under section 173 (“the first notice”), and
 - (b) the landlord has subsequently withdrawn the notice (see section 180(3)).
- (2) The landlord may not give another notice under section 173 to the contract-holder before the end of the period of six months starting with the day on which the first notice was withdrawn, other than in accordance with subsection (3).
- (3) The landlord may give one more notice under section 173 to the contract-holder during the period of 28 days starting with the day on which the first notice was given.
- (4) Subsection (5) applies where—
 - (a) a landlord has given a contract-holder a notice under section 173, and
 - (b) the period for making a possession claim on the ground in section 178 has ended without the landlord having made a claim.
- (5) The landlord may not give another notice under section 173 to the contract-holder before the end of the period of six months starting with the last day of the period before the end of which the landlord could have made the claim (see section 179(1)(b)).
- (6) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts which incorporate section 173 as a term of the contract.”

8 **Withdrawal of notice under section 173 and under a landlord’s break clause**

- (1) The 2016 Act is amended as follows.
- (2) In section 180 (termination of contract on landlord’s notice), in subsection (3), for the words from “, before the contract ends” to the end substitute “—
 - (a) before the contract ends, and during the period of 28 days starting with the day on which the notice was given, the landlord withdraws the notice by giving further notice to the contract-holder, or

- (b) before the contract ends, and after the end of the period of 28 days starting with day on which the notice was given—
 - (i) the landlord withdraws the notice by giving further notice to the contract-holder, and
 - (ii) the contract-holder does not object to the withdrawal in writing before the end of a reasonable period.”
- (3) In section 201 (termination of contract under landlord’s break clause), in subsection (3), for the words from “, before the contract ends” to the end substitute “—
 - (a) before the contract ends, and during the period of 28 days starting with the day on which the notice was given, the landlord withdraws the notice by giving further notice to the contract-holder, or
 - (b) before the contract ends, and after the end of the period of 28 days starting with the day on which the notice was given—
 - (i) the landlord withdraws the notice by giving further notice to the contract-holder, and
 - (ii) the contract-holder does not object to the withdrawal in writing before the end of a reasonable period.”

9 Restriction on giving notice under section 173 and under landlord’s break clause following retaliatory possession claim

- (1) The 2016 Act is amended as follows.
- (2) After section 177 (inserted by section 7) insert—

“177A Restriction on giving notice under section 173 following retaliatory possession claim

- (1) Subsection (2) applies where—
 - (a) a landlord (having given a contract-holder a notice under section 173) has made a possession claim on the ground in section 178, and
 - (b) the court has refused to make an order for possession because it considered the claim to be a retaliatory claim (see section 217).
- (2) The landlord may not give another notice under section 173 to the contract-holder before the end of the period of six months starting with the day on which the court refused to make an order for possession.
- (3) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts which incorporate section 173 as a term of the contract.”
- (3) For section 198 of the 2016 Act (restrictions on giving notice under landlord’s break clause: security and deposit requirements) substitute—

“198 Restriction on use of landlord’s break clause following retaliatory possession claim

- (1) Subsection (2) applies where—

- (a) a landlord (having given a contract-holder a notice under a landlord's break clause) has made a possession claim on the ground in section 199, and
 - (b) the court has refused to make an order for possession because it considered the claim to be a retaliatory claim (see section 217).
- (2) The landlord may not give another notice under a landlord's break clause to the contract-holder before the end of the period of six months starting with the day on which the court refused to make an order for possession.
- (3) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a landlord's break clause."

Further provision about termination of fixed term standard contracts

10 Notice in connection with end of term of fixed term standard contracts restricted to certain contracts

- (1) Section 186 of the 2016 Act (landlord's notice in connection with end of fixed term) is amended as follows—
- (a) in subsection (1), after "fixed term standard contract" insert "which is within Schedule 9B";
 - (b) omit subsection (2);
 - (c) in subsection (3), for "Subject to subsection (2), the" substitute "The";
 - (d) omit subsection (4);
 - (e) in subsection (8) for the words from "; subsections (2)" to the end substitute "which are within Schedule 9B."
- (2) In the heading of section 186, at the end insert "of contract within Schedule 9B".
- (3) Schedule 3 inserts a new Schedule 9B into the 2016 Act (after Schedule 9A, inserted by section 6), setting out fixed term standard contracts to which section 186 of that Act applies.

11 Landlord's break clause restricted to certain fixed term standard contracts

- (1) In section 194 of the 2016 Act (landlord's break clause)—
- (a) in subsection (1) after "fixed term standard contract" insert "which is within subsection (1A)";
 - (b) after subsection (1), insert—
 - “(1A) A fixed term standard contract is within this subsection if—
 - (a) it is made for a term of two years or more, or
 - (b) it is within Schedule 9C (whether or not it is made for a term of two years or more).”
- (2) Schedule 4 inserts a new Schedule 9C into the 2016 Act (after Schedule 9B, inserted by section 10), setting out fixed term standard contracts which may contain a landlord's break clause regardless of whether they are for a term of less than two years.

Variation of periodic standard contracts

12 Landlord’s request to vary periodic standard contract terms: removal of additional notice procedure

- (1) The 2016 Act is amended as follows.
- (2) In section 125 (variation of contract)—
 - (a) in subsection (1)—
 - (i) for “127)—” substitute “127) by agreement between the landlord and the contract-holder.”;
 - (ii) omit paragraphs (a) and (b);
 - (b) in subsection (2) omit the words from “; but subsection (1)(b)” to the end.
- (3) Omit section 126 (variation by landlord: notice procedure).
- (4) In section 173 (landlord’s notice), omit subsection (3).

Temporary exclusion of contract-holder from dwelling under standard contract

13 Power to restrict right to exclude contract-holder from dwelling for specified periods

- (1) The 2016 Act is amended as follows.
- (2) In section 121 (exclusion of contract-holder under periodic standard contract from dwelling for specified periods), after subsection (2) insert—
 - “(3) The Welsh Ministers may by regulations amend this Act for the purpose of—
 - (a) providing that subsection (1) does not apply in relation to periodic standard contracts of a particular description;
 - (b) providing that subsection (1) applies only in relation to periodic standard contracts of a particular description;
 - (c) changing, or imposing limits on, what may be provided for or specified in a periodic standard contract under subsection (1) or (2) (either generally or in relation to periodic standard contracts of a particular description);
 - (d) specifying circumstances (either generally or in relation to periodic standard contracts of a particular description) in which a periodic standard contract may or may not include provision under subsection (1);
 - (e) imposing requirements on a landlord in relation to the inclusion in a periodic standard contract of provision under subsection (1).”
- (3) In section 133 (exclusion of contract-holder under fixed term standard contract from dwelling for specified periods), after subsection (2) insert—
 - “(3) The Welsh Ministers may by regulations amend this Act for the purpose of—
 - (a) providing that subsection (1) does not apply in relation to fixed term standard contracts of a particular description;
 - (b) providing that subsection (1) applies only in relation to fixed term standard contracts of a particular description;

- (c) changing, or imposing limits on, what may be provided for or specified in a fixed term standard contract under subsection (1) or (2) (either generally or in relation to fixed term standard contracts of a particular description);
- (d) specifying circumstances (either generally or in relation to fixed term standard contracts of a particular description) in which a fixed term standard contract may or may not include provision under subsection (1);
- (e) imposing requirements on a landlord in relation to the inclusion in a fixed term standard contract of provision under subsection (1).”

Miscellaneous

14 Miscellaneous amendments to the 2016 Act

Schedule 5 provides for miscellaneous amendments to the 2016 Act.

15 Service charges permitted by the Renting Homes (Fees etc.) (Wales) Act 2019 etc.

(1) In Schedule 1 to the 2019 Act (permitted payments), after paragraph 10 insert—

“Service charges payable to community landlords etc.

- 10A (1) A payment of a service charge is a permitted payment if—
- (a) it is required under a standard occupation contract, and
 - (b) the landlord is a community landlord.
- (2) But sub-paragraph (1) does not apply in relation to—
- (a) a standard occupation contract within paragraph 15 of Schedule 3 to the 2016 Act (accommodation which is not social accommodation), or
 - (b) a standard occupation contract mentioned in sub-paragraph (3).
- (3) A payment of a service charge is a permitted payment if it is required under a standard occupation contract within section 143 of the 2016 Act (contracts relating to supported accommodation).
- (4) For the purposes of this paragraph—
- “2016 Act” (“*Deddf 2016*”) means the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#);
 - “community landlord” (“*landlord cymunedol*”) has the meaning given by section 9 of the 2016 Act;
 - “service charge” (“*tâl gwasanaeth*”) does not include a charge for a service where the payment for the charge would be permitted by virtue of another paragraph of this Schedule, and in relation to sub-paragraph (3) only, includes charges for the provision of support services;
 - “support services” (“*gwasnaethau cymorth*”) has the meaning given by section 143 of the 2016 Act (see, in particular, subsection (4) of that section).”

- (2) In section 4 of the 2019 Act, after subsection (2)(h) insert—
- “(i) service charges;”.
- (3) In regulation 3 of the transitional provision Regulations—
- (a) in the words before sub-paragraph (a), after “section 20,” insert “and sub-paragraphs (2) to (3B) of paragraph 10A of Schedule 1,”;
 - (b) omit the “and” at the end of sub-paragraph (d);
 - (c) after that sub-paragraph insert—
 - “(da) paragraph 10A of Schedule 1 to the Act is to be read as if—
 - (i) for sub-paragraph (2) there were substituted—
 - “(2) But sub-paragraph (1) does not apply in relation to—
 - (a) a standard occupation contract where the allocation rules (within the meaning of paragraph 15 of Schedule 3 to the 2016 Act) did not apply to the making of the contract, or
 - (b) a standard occupation contract mentioned in sub-paragraph (3).”;
 - (ii) for sub-paragraph (3) there were substituted—
 - “(3) A payment of a service charge is a permitted payment if it is required under a standard occupation contract which relates to supported accommodation.”;
 - (iii) after sub-paragraph (3) there were inserted—
 - “(3A) For the purposes of sub-paragraph (3) accommodation is “supported accommodation” if—
 - (a) it is provided by a community landlord or registered charity (within the meaning of the 2016 Act),
 - (b) the landlord or charity (or a person acting on behalf of the landlord or charity) provides support services to a person entitled to occupy the accommodation, and
 - (c) there is a connection between provision of the accommodation and provision of the support services.
 - (3B) But accommodation in a care institution (within the meaning of paragraph 4 of Schedule 2 to the 2016 Act) is not supported accommodation.”, and”.

Status: This is the original version (as it was originally enacted).

- (4) The amendments made by subsections (1), (2) and (3) of this section are to be treated for all purposes as if they came into force on 1 September 2019, except that—
- (a) any notice given in contravention of section 20(1) of the 2019 Act (as modified by the transitional provision Regulations) before the coming into force of this section is to continue to be treated as having been given in contravention of that section of the 2019 Act, and
 - (b) any order made before the coming into force of this section under section 22(1) of the 2019 Act (orders for recovery of prohibited payments) continues to have effect.
- (5) Subsection (6) applies where—
- (a) before the coming into force of this section a landlord under an assured shorthold tenancy has required payment of a service charge in connection with the tenancy, and
 - (b) by virtue of subsection (4) of this section the payment required by the landlord is a permitted payment for the purposes of the 2019 Act (see section 4 of that Act).
- (6) The landlord may not give a section 21 notice in respect of the dwelling-house let on the tenancy during the period of 6 months beginning with the day on which this section comes into force.
- (7) In this section—
- “2019 Act” (“*Deddf 2019*”) means the [Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(anaw 2\)](#);
 - “assured shorthold tenancy” (“*tenantiaeth fyrddaliadol sicr*”) has the same meaning as in the Housing Act 1988 (“the 1988 Act”);
 - “section 21 notice” (“*hysbysiad adran 21*”) means a notice under subsection (1)(b) or (4)(a) of section 21 of the 1988 Act;
 - “the transitional provision Regulations” (“*y Rheoliadau darpariaeth drosiannol*”) means the [Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(Transitional Provision for Assured Shorthold Tenancies\) Regulations 2019 \(S.I. 2019/1151\)](#).

16 Fee for further copy of written statement to be a permitted payment

- (1) The Renting Homes (Fees etc.) (Wales) Act 2019 is amended as follows.
- (2) In Schedule 1 (permitted payments), after paragraph 10A insert—

“Payment for further copy of written statement

10B A payment of a reasonable fee for a further written statement of a standard occupation contract is a permitted payment.”

- (3) In section 4, after subsection (2)(i) insert—
 - “(j) payments in respect of further copies of a written statement.”

General

17 Interpretation

In this Act—

- (a) “standard contract” means—
 - (i) a periodic standard contract under the 2016 Act;
 - (ii) a fixed term standard contract under that Act, as to which, see section 8 of the 2016 Act;
- (b) “the 2016 Act” means the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#).

18 Minor and consequential amendments

Schedule 6 provides for amendments to the 2016 Act and to the [Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(anaw 2\)](#) which are minor or consequential.

19 Coming into force

- (1) This section, section 15 and sections 17 and 20 come into force on the day after the day on which this Act receives Royal Assent.
- (2) Paragraph 28 of Schedule 6 comes into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) The remaining provisions of this Act come into force two months after the day on which this Act receives Royal Assent.
- (4) An order under subsection (2) may—
 - (a) make transitory, transitional or saving provision;
 - (b) appoint different days for different purposes.

20 Short title

The short title of this Act is the [Renting Homes \(Amendment\) \(Wales\) Act 2021](#).