

Changes to legislation: Renting Homes (Wales) Act 2016, SCHEDULE 10 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

I1 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

I2 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

I3 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

I4 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.

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Commencement Information

I5 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

I6 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

I7 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

I8 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

I9 Sch. 10 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

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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

I10 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

I11 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

I12 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.

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Commencement Information

I13 [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

I14 [Sch. 10 para. 14](#) 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](#)