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# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 6

### PROVISIONS APPLYING ONLY TO PERIODIC STANDARD CONTRACTS

VALID FROM 01/12/2022

#### CHAPTER 3

#### VARIATION OF CONTRACTS

##### Modifications etc. (not altering text)

- C1 Pt. 6 Ch. 3: power to amend conferred (1.9.2019) by [Renting Homes \(Fees etc.\) \(Wales\) Act 2019](#) (anaw 2), s. 30(2), [Sch. 1 para. 11](#) (with s. 29); S.I. 2019/1150, art. 2(c)

#### 122 Variation

- (1) A periodic standard contract may not be varied except—
  - (a) in accordance with sections 123 to <sup>[F1</sup>125], or
  - (b) by or as a result of an enactment.
- (2) A variation of a periodic standard contract (other than by or as a result of an enactment) must be in accordance with section 127.
- (3) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts; section 20 provides that subsections (1)(b) and (2) of this section—
  - (a) must be incorporated, and
  - (b) must not be incorporated with modifications.

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**Textual Amendments**

**F1** Word in s. 122(1)(a) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 9](#)

**123 Variation of rent**

- (1) The landlord may vary the rent payable under a periodic standard contract by giving the contract-holder a notice setting out a new rent to take effect on the date specified in the notice.
- (2) The period between the day on which the notice is given to the contract-holder and the specified date may not be less than two months.
- (3) Subject to that—
  - (a) the first notice may specify any date, and
  - (b) subsequent notices must specify a date which is not less than one year after the last date on which a new rent took effect.
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts under which rent is payable.

**124 Variation of other consideration**

- (1) Where consideration other than rent is payable under a periodic standard contract, the amount of consideration may be varied—
  - (a) by agreement between the landlord and the contract-holder, or
  - (b) by the landlord in accordance with subsections (2) to (4).
- (2) The landlord may give the contract-holder a notice setting out a new amount of consideration to take effect on the date specified in the notice.
- (3) The period between the day on which the notice is given to the contract-holder and the specified date may not be less than two months.
- (4) Subject to that—
  - (a) the first notice may specify any date, and
  - (b) subsequent notices must specify a date which is not less than one year after the last date on which a new amount of consideration took effect.
- (5) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts under which consideration other than rent is payable.

**125 Variation of other terms**

- (1) The fundamental terms, supplementary terms and additional terms of a periodic standard contract may be varied (subject to section [F2127] by agreement between the landlord and the contract-holder.)
  - F3(a) .....
  - F4(b) .....

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(2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts<sup>F5</sup>....

#### Textual Amendments

- F2 Words in s. 125(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 12(2)(a)(i)**, 19(3)
- F3 S. 125(1)(a) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 12(2)(a)(ii)**, 19(3)
- F4 S. 125(1)(b) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 12(2)(a)(ii)**, 19(3)
- F5 Words in s. 125(2) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 12(2)(b)**, 19(3)

PROSPECTIVE

### <sup>F6</sup>126 Variation by landlord of other terms: notice procedure

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#### Textual Amendments

- F6 S. 126 omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 12(3)**, 19(3)

### 127 Limitation on variation

(1) A fundamental term of a periodic standard contract incorporating any of the fundamental provisions to which subsection (2) applies may not be varied (except by or as a result of an enactment).

(2) This subsection applies to the following fundamental provisions—

- (a) section 122(1)(b) and (2) and this section,
- (b) section 45 (requirement to use deposit scheme)<sup>F7</sup>...,
- (c) section 52 (joint contract-holder ceasing to be a party to the occupation contract),
- (d) section 55 (anti-social behaviour and other prohibited conduct),
- (e) section 148 (permissible termination),
- (f) section 149 (possession claims),
- (g) section 155 (death of sole contract-holder),
- (h) section 158 (securing contract by use of false statement),
- <sup>F8</sup>(i) .....
- (j) paragraph 7 of Schedule 4 (variation of secure contract addressed in written statement of introductory standard contract)<sup>F9</sup>, and
- (k) Part 1 of Schedule 9A (restrictions on giving landlord's notice under sections 173: breach of statutory obligations)].

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- (3) A variation of any other fundamental term (other than by or as a result of an enactment) is of no effect—
- (a) unless as a result of the variation—
    - (i) the fundamental provision which the term incorporates would be incorporated without modification, or
    - (ii) the fundamental provision which the term incorporates would not be incorporated or would be incorporated with modification, but <sup>F10</sup>... the effect of this would be that the position of the contract-holder is improved;
  - (b) if the variation (regardless of whether it is within paragraph (a)) would render the fundamental term incompatible with a fundamental term which incorporates a fundamental provision to which subsection (2) applies.
- (4) A variation of a term of a periodic standard contract is of no effect if it would render a term of the contract incompatible with a fundamental term (unless that fundamental term is also varied in accordance with this section in a way that would avoid the incompatibility).
- (5) Subsection (4) does not apply to a variation made by or as a result of an enactment.
- (6) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts; section 20 provides that this section—
- (a) must be incorporated, and
  - (b) must not be incorporated with modifications.

#### Textual Amendments

- F7** Words in s. 127(2)(b) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 10\(a\)](#)
- F8** S. 127(2)(i) and word omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 10\(b\)](#)
- F9** S. 127(2)(k) and word inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 10\(c\)](#)
- F10** Words in s. 127(3)(a)(ii) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 5 para. 2\(3\)](#)

## 128 Written statement of variation

- (1) If a periodic standard contract is varied in accordance with the contract or by or as a result of an enactment the landlord must, before the end of the relevant period, give the contract-holder—
- (a) a written statement of the term or terms varied, or
  - (b) a written statement of the contract as varied,
- unless the landlord has given notice of the variation in accordance with section 123 [<sup>F11</sup>or 124(2) to (4)].
- (2) The relevant period is the period of 14 days starting with the day on which the contract is varied.
- (3) The landlord may not charge a fee for providing a written statement under subsection (1).

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- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

#### Textual Amendments

- F11** Words in s. 128(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 11](#)

### 129 Failure to provide written statement etc.

- (1) If the landlord under a periodic standard contract fails to comply with a requirement under section 128 the landlord is liable to pay the contract-holder compensation under section 87.
- (2) The compensation is payable in respect of the relevant date and every day after the relevant date until—
  - (a) the day on which the landlord gives the contract-holder a written statement of the term or terms varied, or of the contract as varied, or
  - (b) if earlier, the last day of the period of two months starting with the relevant date.
- (3) Interest on the compensation is payable if the landlord fails to give the contract-holder a written statement on or before the day referred to in subsection (2)(b).
- (4) The interest starts to run on the day referred to in subsection (2)(b) at the rate prevailing under section 6 of the Late Payment of Commercial Debts (Interest) Act 1998 (c. 20) at the end of that day.
- (5) The relevant date is the day on which the contract was varied.
- (6) Subsections (1) to (5) do not apply if the landlord's failure to comply with the requirement is attributable to an act or omission of the contract-holder.
- (7) If under section 128 the landlord gives the contract-holder a written statement of the contract as varied, sections 36 and 37 (incomplete and incorrect statements) apply to the statement as if <sup>F12</sup>, in subsection (3) of both of those sections, for the words from “starting” to the end there were substituted “ starting with the day on which the contract was varied ”].

#### Textual Amendments

- F12** Words in s. 129(7) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 5 para. 4\(b\)](#)

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