

RENTING HOMES (AMENDMENT) (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

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

45. **Section 8(2)** amends section 180(3) of the 2016 Act, which makes provision about when a notice under section 173 ceases to have effect if it is withdrawn by the landlord. Section 180(3) only applies if the landlord withdraws the section 173 notice before the contract has ended.
46. In order to withdraw a section 173 notice, the landlord must give the contract holder a notice to that effect, i.e. a notice stating that the section 173 notice is withdrawn.
47. Under the amendments to section 180(3) of the 2016 Act by section 8(2) of the Act, whether the section 173 notice ceases to have effect will depend on when the notice of withdrawal is given and whether the contract-holder objects to the section 173 notice being withdrawn.
48. If the landlord withdraws the section 173 notice within 28 days of the day on which the section 173 notice was given, it is irrelevant whether the contract-holder objects to it being withdrawn.
49. If the landlord withdraws the section 173 notice after the period of 28 days from the day on which the section 173 notice was given, the section 173 notice will only cease to have effect if the contract-holder does not object to it being withdrawn. This objection must be in writing and must be made within a reasonable period of the notice of withdrawal being given to the contract-holder.
50. **Section 8(3)** amends section 201(3) of the 2016 Act, which makes provision about when a notice given under a landlord’s break clause ceases to have effect if it is withdrawn by the landlord. The amendments made to section 201(3) are equivalent to and have the same effect as the amendments to section 180(3) described above.