

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

SCHEDULE 6

(introduced by section 18)

MINOR AND CONSEQUENTIAL AMENDMENTS

The 2016 Act

1 The 2016 Act is amended as follows.

Commencement Information

I1 Sch. 6 para. 1 in force at 7.6.2021, see s. 19(3)

2 In section 20 (incorporation and modification of fundamental provisions), in subsection (3)—

(a) omit paragraphs (k) to (o), and the “and” which follows paragraph (o);

(b) after paragraph (p), insert “, and

(q) Part 1 of Schedule 9A (restrictions on giving notice under sections 173 and 186 and under a landlord's break clause).”

Commencement Information

I2 Sch. 6 para. 2 in force at 7.6.2021, see s. 19(3)

3 In section 22 (powers in relation to fundamental provisions), omit subsection (3).

Commencement Information

I3 Sch. 6 para. 3 in force at 7.6.2021, see s. 19(3)

4 In section 34 (failure to provide written statement), after subsection (5) insert—

“(6) Paragraphs 1 and 2 of Schedule 9A make provision relating to periodic standard contracts, and fixed term standard contracts which incorporate section 186 or which have a landlord's break clause, preventing a landlord from giving a notice (under section 173 or 186 or under a landlord's break clause) requiring a contract-holder to give up possession if the landlord has not provided a written statement of the contract under section 31(1) or (2).”

Commencement Information

I4 Sch. 6 para. 4 in force at 7.6.2021, see s. 19(3)

5 In section 37 (incorrect statement: contract-holder's application to court), in subsection (2), in paragraph (b) for “, 124(2) to (4) or 126(1) to (4)” substitute “ or 124(2) to (4) ”.

Commencement Information

I5 Sch. 6 para. 5 in force at 7.6.2021, see s. 19(3)

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

- 6 In section 39 (provision by landlord of information about landlord), for subsection (4) substitute—

“(4) Paragraph 3 of Schedule 9A makes provision relating to periodic standard contracts, and fixed term standard contracts which incorporate section 186 or which have a landlord's break clause, preventing a landlord from giving a notice (under section 173 or 186 or under a landlord's break clause) requiring a contract-holder to give up possession if the landlord has not provided a notice required under this section.

(5) Subsections (1) to (3) of this section are fundamental provisions which are incorporated as a term of all occupation contracts.”

Commencement Information

I6 Sch. 6 para. 6 in force at 7.6.2021, see s. 19(3)

- 7 In section 46 (deposit schemes: further provision), in subsection (2) for the words from “Sections 177 and 198 make” to “giving a notice” substitute “ Paragraph 4 of Schedule 9A makes provision relating to periodic standard contracts, and fixed term standard contracts which incorporate section 186 or which have a landlord's break clause, preventing a landlord from giving a notice (under section 173 or 186 or under a landlord's break clause) ”.

Commencement Information

I7 Sch. 6 para. 7 in force at 7.6.2021, see s. 19(3)

- 8 In section 65 (extended possession order against sub-holder), in subsection (3), in paragraph (a) for the words from “copy” to “that section” substitute “ notice in accordance with section 64(2) ”.

Commencement Information

I8 Sch. 6 para. 8 in force at 7.6.2021, see s. 19(3)

- 9 In section 122 (variation), in subsection (1), in paragraph (a) for “126” substitute “ 125 ”.

Commencement Information

I9 Sch. 6 para. 9 in force at 7.6.2021, see s. 19(3)

- 10 In section 127 (limitation on variation: periodic standard contracts), in subsection (2)—

- (a) in paragraph (b) omit “and section 177 (breach of deposit requirements)”;
- (b) omit paragraph (i), and the “and” which follows it;
- (c) after paragraph (j) insert “, and
 - (k) Part 1 of Schedule 9A (restrictions on giving landlord's notice under sections 173: breach of statutory obligations)”.

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

Commencement Information

I10 Sch. 6 para. 10 in force at 7.6.2021, see s. 19(3)

- 11 In section 128 (written statement of variation), in subsection (1) for “, 124(2) to (4) or 126(1) to (4)” substitute “ or 124(2) to (4) ”.

Commencement Information

I11 Sch. 6 para. 11 in force at 7.6.2021, see s. 19(3)

- 12 In section 135 (limitation on variation: fixed term standard contracts)—
- (a) in subsection (2)—
 - (i) omit paragraphs (i) and (j) (but not the “and” which follows paragraph (j));
 - (ii) for paragraph (k) substitute—
 - “(k) Part 1 of Schedule 9A (restrictions on giving notice under section 186 and under a landlord’s break clause: breach of statutory obligations).”;
 - (b) in subsection (6) omit the words from “, but subsection (2)(k)” to ”break clause”.

Commencement Information

I12 Sch. 6 para. 12 in force at 7.6.2021, see s. 19(3)

- 13 In section 147 (overview of Part 9), in table 1, in the right hand column of the entry for Chapter 1, for “section 161” substitute “ section 160 ”.

Commencement Information

I13 Sch. 6 para. 13 in force at 7.6.2021, see s. 19(3)

- 14 In section 150 (possession notices), in subsection (1)—
- (a) after “contract-holder” insert “ under any of the following sections ”;
 - (b) at the end insert “—
 - (a) section 159 (in relation to a breach of contract by a contract-holder);
 - (b) section 161 (in relation to estate management grounds);
 - (c) section 166, 171 or 192 (in relation to a contract-holder’s notice);
 - (d) section 182 or 188 (in relation to serious rent arrears under a standard contract).”

Commencement Information

I14 Sch. 6 para. 14 in force at 7.6.2021, see s. 19(3)

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

- 15 In section 175 (restriction on giving notice under section 173 in first four months of occupation), in subsection (4) omit the words from “and section 20” to the end.

Commencement Information

I15 Sch. 6 para. 15 in force at 7.6.2021, see s. 19(3)

- 16 In section 181 (serious rent arrears), in subsection (1), for “in serious rent arrears” substitute “seriously in arrears with his or her rent”.

Commencement Information

I16 Sch. 6 para. 16 in force at 7.6.2021, see s. 19(3)

- 17 In section 183 (relevance of events under fixed term standard contract to periodic standard contract arising at end of fixed term)—

- (a) in subsection (1)—
 - (i) omit the “or” after paragraph (a);
 - (ii) after paragraph (b) insert “or
 - (c) a notice under a landlord's break clause,”;
- (b) for subsection (2) substitute—
 - “(2) Sections 179 and 180—
 - (a) apply to a notice under section 186(1) as they apply to a notice under section 173, and
 - (b) apply to a possession claim made on the ground in section 186(5) in reliance on such a notice as they apply to a possession claim made on the ground in section 178 in reliance on a notice under section 173.”

Commencement Information

I17 Sch. 6 para. 17 in force at 7.6.2021, see s. 19(3)

- 18 In section 196 (restrictions on use of landlord's break clause in first four months of occupation), in subsection (4) omit the words from “and section 20” to the end.

Commencement Information

I18 Sch. 6 para. 18 in force at 7.6.2021, see s. 19(3)

- 19 In section 204 (possession claims), in subsection (1), in paragraph (a)—
- (a) for “following sections” substitute “following provisions”;
 - (b) omit sub-paragraph (i);
 - (c) in sub-paragraph (vi), for “during first four months” substitute “until after the first six months”;
 - (d) in sub-paragraph (vii), for “176 , 177” substitute “177, 177A”;
 - (e) in sub-paragraph (xii), for “during first four months” substitute “until after the first 18 months”;
 - (f) in sub-paragraph (xiii), omit “197,”;

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

- (g) after sub-paragraph (xiv) (and before the “or” that follows it) insert—
“(xv) Schedule 9A (restrictions on giving notice under sections 173 and 186 and under a landlord's break clause: breach of statutory obligations),”.

Commencement Information

I19 Sch. 6 para. 19 in force at 7.6.2021, see s. 19(3)

- 20 In section 253 (index of terms), in table 2, in the right hand column of the entry for “possession notice”, for “section 150” substitute “ sections 159, 161, 166, 171, 182, 188 and 192 (and see also section 150) ”.

Commencement Information

I20 Sch. 6 para. 20 in force at 7.6.2021, see s. 19(3)

- 21 In section 256 (regulations)—
- (a) in subsection (2) for “an enactment other than a provision of this Act” substitute “ any enactment (including a provision of this Act) ”;
- (b) in subsection (4)—
- (i) after paragraph (d) insert—
- “(da) section 121 (power to amend Act in relation to power under periodic standard contract to exclude contract-holder from dwelling for specified periods),
- (db) section 133 (power to amend Act in relation to power under fixed term standard contract to exclude contract-holder from dwelling for specified periods),”;
- (ii) after paragraph (l) insert—
- “(la) paragraph 13 of Schedule 8A (power to amend that Schedule),”
- (c) after paragraph (m) (and before the “and” that follows it) insert—
- “(ma) paragraph 8 of Schedule 9A (power to amend that Schedule),
- (mb) paragraph 11 of Schedule 9B (power to amend that Schedule),
- (mc) paragraph 11 of Schedule 9C (power to amend that Schedule),”.

Commencement Information

I21 Sch. 6 para. 21 in force at 7.6.2021, see s. 19(3)

- 22 (1) Schedule 1 (overview of fundamental provisions incorporated as terms of occupation contracts) is amended as follows.
- (2) In Part 2 (periodic standard contracts), in table 4—
- (a) in the entry for sections 122 to 128, in the third column (notes)—

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

- (i) for “122(1)(a)” substitute “ 122(1)(b) ”, and
- (ii) omit the words from “Sections 125(1)(b) and 126 are not incorporated” to the end;
- (b) in the entry for sections 173 to 180—
 - (i) for the text in the first column (fundamental provision) substitute “Sections 173 to 175 and 177 to 180, and Part 1 of Schedule 9A”;
 - (ii) for the text in the third column (notes) substitute “ If section 173 is not incorporated, sections 174 to 177A and Schedule 9A do not apply; but if a contract incorporates section 173, Part 1 of Schedule 9A must be incorporated without modification. Section 174A applies instead of section 174 to a contract that is within Schedule 8A, and section 175 does not apply to a contract that is within Schedule 9 (even if section 173 is incorporated). ”
- (3) In Part 3 (fixed term standard contracts), in table 5—
 - (a) in the entry for section 186, for the text in the third column (notes) substitute “ Only applies if contract is within Schedule 9B. If contract incorporates section 186, Part 1 of Schedule 9A must be incorporated without modification. ”;
 - (b) in the entry for sections 195 to 201—
 - (i) for the text in the first column (fundamental provision) substitute “Sections 195, 195A and 196, and 198 to 201, and Part 1 of Schedule 9A”;
 - (ii) for the text in the third column (notes) substitute “ Only apply if contract has a landlord's break clause; but if a contract has a landlord's break clause, Part 1 of Schedule 9A must be incorporated without modification. Section 195A applies instead of section 195 to a contract that is within Schedule 8A, and section 196 does not apply to a contract that is within Schedule 9. ”

Commencement Information
I22 Sch. 6 para. 22 in force at 7.6.2021, see s. 19(3)

^{F1}23

Textual Amendments
F1 Sch. 6 para. 23 omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment\) Regulations 2022 \(S.I. 2022/803\)](#), regs. 1(1), **9(a)** (as amended by [S.I. 2022/906](#), arts. 1(2), **15**)

24 In Schedule 4 (introductory standard contracts), in paragraph 3, in sub-paragraph (7) omit the words from “; the power under section 256(2)” to the end.

Commencement Information
I23 Sch. 6 para. 24 in force at 7.6.2021, see s. 19(3)

25 (1) Schedule 7 (prohibited conduct standard contracts) is amended as follows.

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

- (2) In paragraph 2, in sub-paragraph (8) for “during first four months” substitute “ until after the first six months ”.
- (3) In paragraph 4, in sub-paragraph (7) omit the words from “; the power under section 256(2)” to the end.

Commencement Information

I24 Sch. 6 para. 25 in force at 7.6.2021, see s. 19(3)

- 26 (1) Schedule 9 (standard contracts to which limits in sections 175, 186(2) and 196 do not apply) is amended as follows.
 - (2) In paragraph 3 for “standard contract which relates to supported accommodation” substitute “ supported standard contract ”.
 - ^{F2}(3)
 - (4) In the heading—
 - (a) omit “, 186(2)”;
 - (b) for “(LANDLORD'S NOTICE DURING FIRST SIX MONTHS OF OCCUPATION)” substitute “(WHEN LANDLORD'S NOTICE MAY BE GIVEN)”.
 - (5) In the words of introduction omit “, 186”.

Textual Amendments

F2 Sch. 6 para. 26(3) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment\) Regulations 2022 \(S.I. 2022/803\)](#), regs. 1(1), **9(b)** (as amended by [S.I. 2022/906](#), arts. 1(2), **15**)

Commencement Information

I25 Sch. 6 para. 26 in force at 7.6.2021, see s. 19(3)

- 27 (1) Schedule 12 (conversion of tenancies and licences existing before commencement of Chapter 3 of Part 10 of the 2016 Act) is amended as follows.
 - (2) In paragraph 11 (written statement of converted contract), after sub-paragraph (1) insert—

“(1A) Section 31(2) (provision of written statement to new contract-holder) does not apply in relation to a converted contract during the information provision period.”
 - (3) After paragraph 12 (provision of information) insert—

“12A(1) Schedule 9A (restrictions on giving notice under section 173, under section 186, and under a landlord's break clause) applies in relation to a converted contract as if—

 - (a) paragraph 1 were omitted, and
 - (b) for paragraph 2 there were substituted—

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

“Failure to provide written statement within the specified period

2 If—

(a) a landlord is required to provide a written statement of the contract under paragraph 11(1) of Schedule 12, or under section 31(2) (where it is not disapplied by paragraph 11(1A) of that Schedule), and

(b) the landlord has failed to comply with paragraph 11(1) or section 31(2),

the landlord may not give notice before the end of the period of six months starting with the day on which the landlord gave the written statement to the contract-holder.”

(4) In paragraph 23 (introductory standard contracts), in sub-paragraph (3) after “as if” insert “—

(a) in section 174 (landlord's notice: minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”,

(b) in section 175 (landlord's notice: notice may not be given until after first six months of occupation), the references in subsections (1) and (2) (and the heading) to “six months” were references to “four months”, and

(c)”.

(5) After paragraph 25 (termination of contract by landlord) insert—

“25A(1) This paragraph applies to a periodic standard contract which immediately before the appointed day was an assured shorthold tenancy.

(2) This Act applies as if—

(a) in section 174 (landlord's notice: minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”, and

(b) in section 175 (landlord's notice: notice may not be given until after first six months of occupation), the references in subsections (1) and (2) (and the heading) to “six months” were references to “four months”.”

(6) After paragraph 25A (inserted by sub-paragraph (5)) insert—

“25B(1) This paragraph applies to a fixed term standard contract which—

(a) immediately before the appointed day was a tenancy or licence for a fixed term, and

(b) is not within Schedule 9B.

(2) The landlord may, before or on the last day of the term for which the contract was made, give the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.

(3) The specified date may not be less than six months after—

(a) the occupation date (see paragraph 31), or

Status: Point in time view as at 01/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)

- (b) if, immediately before the appointed day, the converted contract was a substitute tenancy or licence, the day on which the contract-holder became entitled to occupy the dwelling under the original tenancy or licence.
- (4) Subject to sub-paragraph (3), the specified date—
- (a) may not be before the last day of the term for which the converted contract was made, and
 - (b) may not be less than two months after the day on which the notice is given to the contract-holder.
- (5) For the purposes of sub-paragraph (3)—
- (a) a converted contract was a substitute tenancy or licence if—
 - (i) the occupation date of the converted contract falls immediately after the end of a preceding tenancy or licence,
 - (ii) immediately before the occupation date of the converted contract a tenant or licensee under the contract was a tenant or licensee under the preceding tenancy or licence, and a landlord under the converted contract was a landlord under the preceding tenancy or licence, and
 - (iii) the converted contract relates to the same (or substantially the same) dwelling as the preceding tenancy or licence, and
 - (b) “original tenancy or licence” means—
 - (i) where the substitute tenancy or licence has an occupation date falling immediately after the end of a tenancy or licence which is not a substitute tenancy or licence, the tenancy or licence which preceded the substitute tenancy or licence;
 - (ii) where there have been successive substitute tenancies or licences, the tenancy or licence which preceded the first of the substitute tenancies or licences.
- (6) If the landlord gives the contract-holder a notice under sub-paragraph (2), the landlord may on that ground make a possession claim.
- (7) The landlord may not make a possession claim on that ground before the end of the fixed term standard contract.
- (8) Sub-paragraphs (2) to (7) are fundamental provisions which are incorporated as a term of all fixed term standard contracts to which this paragraph applies.
- 25C Where paragraph 25B applies, this Act applies as if—
- (a) references to section 186 include a reference to paragraph 25B,
 - (b) references to a notice under section 186(1) include a reference to a notice under paragraph 25B(2), and
 - (c) references to the ground in section 186(5) include a reference to the ground in paragraph 25B(6).”
- (7) After paragraph 25C (inserted by sub-paragraph (6)) insert—
- “25D(1) This paragraph applies to a fixed term standard contract which, immediately before the appointed day, was a tenancy or licence for a fixed term containing a landlord's break clause.
- (2) This Act applies as if—

Status: Point in time view as at 01/12/2022.

Changes to legislation: *There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, SCHEDULE 6. (See end of Document for details)*

- (a) in section 194 (landlord's break clause)—
 - (i) in subsection (1), the words “which is within subsection (1A)” were omitted, and
 - (ii) subsection (1A) were omitted,
- (b) in section 195 (minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”,
- (c) in section 196 (landlord's notice: notice may not be given until after first 18 months of occupation), the reference in subsection (1) (and the heading) to “18 months” were a reference to “four months”, and
- (d) Schedule 9C were omitted.”

Commencement Information

I26 Sch. 6 para. 27 in force at 7.6.2021, see **s. 19(3)**

Renting Homes (Fees etc.) (Wales) Act 2019

- 28 (1) The Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) is amended as follows
- (2) In section 6 (application of sections 2 to 5 of that Act to pre-existing requirements and contracts), omit paragraph (b).
 - (3) Omit section 25 (assured tenancies).

Commencement Information

I27 Sch. 6 para. 28 in force at 1.12.2022 by S.I. 2022/904, **art. 2**

Status:

Point in time view as at 01/12/2022.

Changes to legislation:

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