



Renting Homes (Amendment) (Wales) Act 2021

2021 asc 3

Giving and withdrawing landlord's notice

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.”