

Status: Point in time view as at 01/06/2023.

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Renting Homes (Wales) Act 2016

2016 anaw 1

PART 9

TERMINATION ETC. OF OCCUPATION CONTRACTS

CHAPTER 5

TERMINATION OF PERIODIC STANDARD CONTRACTS

Modifications etc. (not altering text)

- C1 Pt. 9 excluded (1.12.2022) by 2004 c. 34, s. 33(c) (as inserted by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **28(2)(c)**)

Termination by contract-holder: contract-holder's notice

168 Contract-holder's notice

- (1) The contract-holder under a periodic standard contract may end the contract by giving the landlord notice that he or she will give up possession of the dwelling on a date specified in the notice.
- (2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Commencement Information

- II S. 168 in force at 1.12.2022 by [S.I. 2022/906](#), art. 2

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169 Minimum notice period

- (1) The date specified in a notice under section 168 may not be less than four weeks after the day on which the notice is given to the landlord.
- (2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Commencement Information

I2 S. 169 in force at 1.12.2022 by S.I. 2022/906, art. 2

170 Recovery of possession

- (1) If the contract-holder fails to give up possession of the dwelling on the date specified in a notice under section 168, the landlord may on that ground make a possession claim.
- (2) Section 215 provides that if the court is satisfied that the ground is made out, it must make an order for possession of the dwelling (subject to any available defence based on the contract-holder's Convention rights).
- (3) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Commencement Information

I3 S. 170 in force at 1.12.2022 by S.I. 2022/906, art. 2

171 Restrictions on section 170

- (1) Before making a possession claim on the ground in section 170 the landlord must give the contract-holder a possession notice specifying that ground.
- (2) The landlord may make the possession claim on or after the day on which the landlord gives the contract-holder the possession notice.
- (3) But the landlord may not make the possession claim after the end of the period of six months starting with that day.
- (4) The landlord may not give the contract-holder a possession notice specifying the ground in section 170 after the end of the period of two months starting with the date specified in the notice under section 168 as the date on which the contract-holder would give up possession of the dwelling.
- (5) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Commencement Information

I4 S. 171 in force at 1.12.2022 by S.I. 2022/906, art. 2

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172 Termination of contract on contract-holder's notice

- (1) If the contract-holder gives up possession of the dwelling on or before the date specified in a notice under section 168 the contract ends on the date specified in the notice.
- (2) If the contract-holder gives up possession of the dwelling after that date but in connection with the notice, the contract ends—
 - (a) on the day on which the contract-holder gives up possession of the dwelling, or
 - (b) if an order for possession is made, on the date determined in accordance with section 206.
- (3) The notice ceases to have effect if, before the contract ends—
 - (a) the contract-holder withdraws the notice by giving further notice to the landlord, and
 - (b) the landlord does not object to the withdrawal in writing before the end of a reasonable period.
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Commencement Information

I5 S. 172 in force at 1.12.2022 by S.I. 2022/906, art. 2

Termination by landlord: landlord's notice

173 Landlord's notice

- (1) The landlord under a periodic standard contract may end the contract by giving the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.
- (2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

^{F1}(3)

Textual Amendments

F1 S. 173(3) omitted (7.6.2021) by virtue of Renting Homes (Amendment) (Wales) Act 2021 (asc 3), ss. 12(4), 19(3)

Modifications etc. (not altering text)

C2 S. 173 excluded (1.12.2022) by 2004 c. 34, s. 98A (as inserted by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), 28(6))

Commencement Information

I6 S. 173 in force at 1.12.2022 by S.I. 2022/906, art. 2

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174 Minimum notice period

- (1) The date specified in a notice under section 173 may not be less than [^{F2}six months] after the day on which the notice is given to the contract-holder.
- [^{F3}(2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts, except periodic standard contracts which—
- (a) do not incorporate section 173 as a term of the contract, or
 - (b) are within Schedule 8A (whether or not they incorporate section 173 as a term of the contract).]

Textual Amendments

- F2** Words in s. 174(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 1\(2\)\(a\), 19\(3\)](#)
- F3** S. 174(2) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 1\(2\)\(b\), 19\(3\)](#)

Commencement Information

- I7** S. 174 in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

[^{F4}174A Minimum notice period: periodic standard contracts within Schedule 8A

- (1) If a periodic standard contract is within Schedule 8A, the date specified in a notice under section 173 may not be less than two months after the day on which the notice is given to the contract-holder.
- (2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts which—
- (a) incorporate section 173 as a term of the contract, and
 - (b) are within Schedule 8A.]

Textual Amendments

- F4** S. 174A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 1\(3\), 19\(3\)](#)

Commencement Information

- I8** S. 174A in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

175 [^{F5}Restriction on section 173: notice may not be given until after the first six months of occupation]

- (1) The landlord may not give notice under section 173 before the end of the period of [^{F6}six months] starting with the occupation date of the contract.
- (2) If the contract is a substitute occupation contract, the landlord may not give notice under section 173 before the end of the period of [^{F7}six months] starting with the occupation date of the original contract.
- (3) For the purposes of subsection (2)—
- (a) an occupation contract is a substitute occupation contract if—

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- (i) the occupation date of the contract falls immediately after the end of a preceding occupation contract,
 - (ii) immediately before the occupation date of the contract a contract-holder under the contract was a contract-holder under the preceding contract and a landlord under the contract was a landlord under the preceding contract, and
 - (iii) the contract relates to the same (or substantially the same) dwelling as the preceding contract, and
- (b) “original contract” means—
- (i) where the substitute occupation contract has an occupation date falling immediately after the end of a contract which is not a substitute occupation contract, the occupation contract which precedes the substitute occupation contract;
 - (ii) where there have been successive substitute occupation contracts, the occupation contract which preceded the first of the substitute occupation contracts.
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts, except periodic standard contracts which—
- (a) do not incorporate section 173 as a term of the contract, or
 - (b) are within Schedule 9 (whether or not they incorporate section 173 as a term of the contract),

F8
...

Textual Amendments

- F5 S. 175 heading substituted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), [ss. 4\(2\)](#), 19(3)
- F6 Words in s. 175(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), [ss. 4\(1\)\(a\)](#), 19(3)
- F7 Words in s. 175(2) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), [ss. 4\(1\)\(b\)](#), 19(3)
- F8 Words in s. 175(4) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 15](#)

Commencement Information

- I9 S. 175 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

[^{F9}176 Restrictions on giving notice under section 173: breaches of statutory obligations

Schedule 9A imposes restrictions on the giving of notice under section 173, related to breaches of certain statutory obligations.]

Textual Amendments

- F9 S. 176 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), [ss. 6\(2\)](#), 19(3)

Commencement Information

- I10 S. 176 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

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[^{F10}177 Restrictions on giving further notices under section 173

- (1) Subsections (2) and (3) apply where—
 - (a) a landlord has given a contract-holder a notice under section 173 (“the first notice”), and
 - (b) the landlord has subsequently withdrawn the notice (see section 180(3)).
- (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 first notice was withdrawn, other than in accordance with subsection (3).
- (3) The landlord may give one more notice under section 173 to the contract-holder during the period of 28 days starting with the day on which the first notice was given.
- (4) Subsection (5) applies where—
 - (a) a landlord has given a contract-holder a notice under section 173, and
 - (b) the period for making a possession claim on the ground in section 178 has ended without the landlord having made a claim.
- (5) 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 last day of the period before the end of which the landlord could have made the claim (see section 179(1)(b)).
- (6) 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.]

Textual Amendments

F10 S. 177 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 7, 19\(3\)](#)

Commencement Information

I11 S. 177 in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

[^{F11}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.]

Textual Amendments

F11 S. 177A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 9\(2\), 19\(3\)](#)

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Commencement Information

I12 S. 177A in force at 1.12.2022 by S.I. 2022/906, art. 2

178 Recovery of possession

- (1) If the landlord gives the contract-holder a notice under section 173, the landlord may on that ground make a possession claim.
- (2) Section 215 provides that if the court is satisfied that the ground is made out, it must make an order for possession of the dwelling, unless section 217 (retaliatory evictions: standard contracts) applies (and subject to any available defence based on the contract-holder's Convention rights).
- (3) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Commencement Information

I13 S. 178 in force at 1.12.2022 by S.I. 2022/906, art. 2

179 Restriction on section 178

- (1) The landlord may not make a possession claim on the ground in section 178—
 - (a) before the date specified in the notice given by the landlord to the contract-holder under section 173, or
 - (b) after the end of the period of two months starting with that date.
- (2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Commencement Information

I14 S. 179 in force at 1.12.2022 by S.I. 2022/906, art. 2

180 Termination of contract on landlord's notice

- (1) If the contract-holder gives up possession of the dwelling on or before the date specified in a notice under section 173, the contract ends on the date specified in the notice.
- (2) If the contract-holder gives up possession of the dwelling after that date but in connection with the notice, the contract ends—
 - (a) on the day on which the contract-holder gives up possession of the dwelling, or
 - (b) if an order for possession is made, on the date determined in accordance with section 206.
- (3) The notice ceases to have effect if^{F12}—
 - (a) before the contract ends, and during the period of 28 days starting with the day on which the notice was given, the landlord withdraws the notice by giving further notice to the contract-holder, or

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- (b) before the contract ends, and after the end of the period of 28 days starting with day on which the notice was given—
 - (i) the landlord withdraws the notice by giving further notice to the contract-holder, and
 - (ii) the contract-holder does not object to the withdrawal in writing before the end of a reasonable period.]
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Textual Amendments

F12 Words in s. 180(3) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), ss. 8(2), 19(3)

Commencement Information

I15 S. 180 in force at 1.12.2022 by [S.I. 2022/906](#), art. 2

Termination by landlord: serious rent arrears

181 Serious rent arrears

- (1) If the contract-holder under a periodic standard contract is [^{F13}seriously in arrears with his or her rent], the landlord may on that ground make a possession claim.
- (2) The contract-holder is seriously in arrears with his or her rent—
 - (a) where the rental period is a week, a fortnight or four weeks, if at least eight weeks' rent is unpaid;
 - (b) where the rental period is a month, if at least two months' rent is unpaid;
 - (c) where the rental period is a quarter, if at least one quarter's rent is more than three months in arrears;
 - (d) where the rental period is a year, if at least 25% of the rent is more than three months in arrears.
- (3) Section 216 provides that the court must (subject to any available defence based on the contract-holder's Convention rights) make an order for possession of the dwelling if it is satisfied that the contract-holder—
 - (a) was seriously in arrears with his or her rent on the day on which the landlord gave the contract-holder the possession notice, and
 - (b) is seriously in arrears with his or her rent on the day on which the court hears the possession claim.
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

Textual Amendments

F13 Words in s. 181(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 16](#)

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Commencement Information

I16 S. 181 in force at 1.12.2022 by S.I. 2022/906, art. 2

182 Restrictions on section 181

- (1) Before making a possession claim on the ground in section 181, the landlord must give the contract-holder a possession notice specifying that ground.
- (2) The landlord under a periodic standard contract that is not an introductory standard contract or a prohibited conduct standard contract may not make the claim—
 - (a) before the end of the period of 14 days starting with the day on which the landlord gives the contract-holder the possession notice, or
 - (b) after the end of the period of six months starting with that day.
- (3) The landlord under an introductory standard contract or a prohibited conduct standard contract may not make the claim—
 - (a) before the end of the period of one month starting with the day on which the landlord gives the contract-holder the possession notice, or
 - (b) after the end of the period of six months starting with that day.
- (4) Subsection (1) is a fundamental provision which is incorporated as a term of all periodic standard contracts, and—
 - (a) subsection (2) is a fundamental provision which is incorporated as a term of all periodic standard contracts that are not introductory standard contracts or prohibited conduct standard contracts;
 - (b) subsection (3) is a fundamental provision which is incorporated as a term only of introductory standard contracts and prohibited conduct standard contracts.

Commencement Information

I17 S. 182 in force at 1.12.2022 by S.I. 2022/906, art. 2

Termination of periodic standard contracts which were fixed term standard contracts

183 Relevance of events under fixed term standard contract

- (1) The landlord under a periodic standard contract which arises under section 184(2) (periodic standard contract arising at end of fixed term) may make a possession claim in reliance on—
 - (a) a possession notice,^{F14} ...
 - (b) a notice under section 186,^{F15} or
 - (c) a notice under a landlord's break clause,^{F15}which the landlord gave to the contract-holder before the end of the fixed term contract.

^{F16}(2) Sections 179 and 180—

- (a) apply to a notice under section 186(1) as they apply to a notice under section 173, and

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- (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.]
- (3) In any possession notice the landlord gives to the contract-holder, the landlord may rely on events which occurred before the end of the fixed term standard contract.
- (4) This section is a fundamental provision which is incorporated as a term of periodic standard contracts which arise under section 184(2).

Textual Amendments

- F14** Word in s. 183(1) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 17\(a\)\(i\)](#)
- F15** S. 183(1)(c) and word inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 17\(a\)\(ii\)](#)
- F16** S. 183(2) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 17\(b\)](#)

Commencement Information

- I18** S. 183 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

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