



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 7

#### TERMINATION OF FIXED TERM STANDARD CONTRACTS

##### *Landlord's break clause*

#### 194 Landlord's break clause

(1) A fixed term standard contract [<sup>F1</sup>which is within subsection (1A)] may contain a term enabling the landlord to end the contract before the end of the fixed term by giving the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.

[<sup>F2</sup>(1A) A fixed term standard contract is within this subsection if—

- (a) it is made for a term of two years or more, or
- (b) it is within Schedule 9C (whether or not it is made for a term of two years or more).]

(2) References in this Act to a landlord's break clause, in relation to a fixed term standard contract, are to the term mentioned in subsection (1).

#### Textual Amendments

**F1** Words in s. 194(1) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 11(1)(a)**, 19(3)

**F2** S. 194(1A) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 11(1)(b)**, 19(3)

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#### 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)**)
- C2** S. 194 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

- I1** S. 194 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### 195 Minimum notice period

- (1) The date specified in a notice under a landlord's break clause may not be less than [<sup>F3</sup>six months] after the day on which the notice is given to the contract-holder.
- [<sup>F4</sup>(2) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts, except fixed term standard contracts which—
- (a) do not have a landlord's break clause, or
  - (b) are within Schedule 8A (whether or not they have a landlord's break clause).]

#### Textual Amendments

- F3** Words in s. 195(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 2(2)(a)**, 19(3)
- F4** S. 195(2) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 2(2)(b)**, 19(3)

#### Commencement Information

- I2** S. 195 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### [<sup>F5</sup>195A Minimum notice period: fixed term standard contracts within Schedule 8A

- (1) If a fixed term standard contract is within Schedule 8A, the date specified in a notice under a landlord's break clause 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 fixed term standard contracts which—
- (a) have a landlord's break clause, and
  - (b) are within Schedule 8A.]

#### Textual Amendments

- F5** S. 195A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 2(3)**, 19(3)

#### Commencement Information

- I3** S. 195A in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

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**196 [F6 Restriction on use of landlord's break clause until after the first 18 months of occupation]**

(1) The landlord may not give notice under a landlord's break clause before the end of the period of [F7 18 months] starting with the occupation date of the contract.

F8 (2) .....

F9 (3) .....

(4) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts, except fixed term standard contracts which—

- (a) do not have a landlord's break clause, or
- (b) are within Schedule 9 (whether or not they have a landlord's break clause),

F10 ...

**Textual Amendments**

**F6** S. 196 heading substituted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 5\(2\), 19\(3\)](#)

**F7** Words in s. 196(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 5\(1\)\(a\), 19\(3\)](#)

**F8** S. 196(2) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 5\(1\)\(b\), 19\(3\)](#)

**F9** S. 196(3) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 5\(1\)\(b\), 19\(3\)](#)

**F10** Words in s. 196(4) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\), Sch. 6 para. 18](#)

**Commencement Information**

**I4** S. 196 in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

**[F11 197 Restrictions on use of landlord's break clause: breaches of statutory obligations**

Schedule 9A imposes restrictions on the giving of notice under a landlord's break clause, related to breaches of certain statutory obligations.]

**Textual Amendments**

**F11** S. 197 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 6\(4\), 19\(3\)](#)

**Commencement Information**

**I5** S. 197 in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

**[F12 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

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- (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.]

#### Textual Amendments

**F12** S. 198 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 9(3)**, 19(3)

#### Commencement Information

**I6** S. 198 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

## 199 Recovery of possession

- (1) If the landlord gives the contract-holder a notice under the landlord's break clause, 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) 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 fixed term standard contracts with a landlord's break clause.

#### Commencement Information

**I7** S. 199 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

## 200 Restriction on section 199

- (1) The landlord may not make a possession claim on the ground in section 199—
  - (a) before the date specified in the notice given by the landlord to the contract-holder under the landlord's break clause, 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 fixed term standard contracts with a landlord's break clause.

#### Commencement Information

**I8** S. 200 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

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## 201 Termination of contract under landlord's break clause

- (1) If the contract-holder gives up possession of the dwelling on or before the date specified in a notice under the landlord's break clause, 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<sup>F13</sup>—
  - (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
  - (b) before the contract ends, and after the end of the period of 28 days starting with the 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 fixed term standard contracts with a landlord's break clause.

### Textual Amendments

**F13** Words in s. 201(3) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), ss. 8(3), 19(3)

### Commencement Information

**I9** S. 201 in force at 1.12.2022 by [S.I. 2022/906](#), art. 2

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