

Status: Point in time view as at 07/06/2021. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Renting Homes (Wales) Act 2016, SCHEDULE 12 is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 12

(introduced by section 240)

CONVERSION OF TENANCIES AND LICENCES EXISTING BEFORE COMMENCEMENT OF CHAPTER 3 OF PART 10

VALID FROM 01/12/2022

Definitions

1 (1) In this Schedule—

[^{F1}“assured agricultural occupancy” (“*meddiannaeth amaethyddol sicr*”) has the same meaning as in Part 1 of the Housing Act 1988 (c. 50) (see section 24(1) of that Act);]

[^{F1}“assured tenancy” (“*tenantiaeth sicr*”) includes a reference to an assured agricultural occupancy which is treated as an assured tenancy under section 24(3) of the Housing Act 1988 (as well as an assured agricultural occupancy which is an assured tenancy)]

[^{F1}“converted AAO” (“*MAS wedi ei throsi*”) means a converted contract which immediately before the appointed day was an assured agricultural occupancy;]

“converted contract” (“*contract wedi ei drosi*”) means a tenancy or licence which existed immediately before the appointed day and became an occupation contract on that day;

“converted secure contract” (“*contract diogel wedi ei drosi*”) means a converted contract which became a secure contract on the appointed day;

“converted standard contract” (“*contract safonol wedi ei drosi*”) means a converted contract which became a standard contract on the appointed day;

“information provision period” (“*cyfnod darparu gwybodaeth*”) has the meaning given in paragraph 11(1);

“the initial notice period” (“*cyfnod hysbysu cychwynnol*”) is the period of two months starting with the appointed day.

(2) See section 242 for definitions of other terms used in this Schedule.

Textual Amendments

F1 Words in Sch. 12 para. 1(1) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 3

VALID FROM 01/12/2022

Determination of whether existing tenancy or licence is occupation contract

2 (1) Schedule 2 applies to—

- (a) a tenancy or licence which immediately before the appointed day was a secure tenancy, an assured tenancy, an introductory tenancy or a demoted tenancy, and

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- (b) a tenancy which existed immediately before the appointed day but is not within paragraph (a),
as if paragraphs 3(2)(b) and 4 (care institutions) were omitted.
- (2) Schedule 2 applies to a tenancy which immediately before the appointed day was a secure tenancy, an assured tenancy, an introductory tenancy or a demoted tenancy as if paragraphs 3(2)(c) and 5 (temporary expedients) were omitted.
- [^{F2}2A) Schedule 2 applies to a tenancy or licence which immediately before the appointed day was a secure tenancy or an assured tenancy as if paragraph 7(3)(k)(i) of that Schedule were omitted.]
- (3) The landlord may, in relation to a tenancy or licence which existed immediately before the appointed day, give notice under paragraph 1 or 3 of Schedule 2 at any time before the end of the initial notice period.
- (4) If the landlord does so, the tenancy or licence is to be treated as having become an occupation contract on the appointed day.
- [^{F3}5) Part 5 of Schedule 2 (special rules applying to supported accommodation) does not apply to—
 - (a) a tenancy which existed immediately before the appointed day;
 - (b) a licence which—
 - (i) immediately before the appointed day was a secure tenancy;
 - (ii) has a start date (within the meaning given in paragraph 13(5) of Schedule 2) falling more than 6 months before the appointed day.
- (6) In their application to a tenancy or licence which immediately before the appointed day was an assured agricultural occupancy—
 - (a) section 7 (tenancies and licences that are occupation contracts) applies as if subsection (1)(b) (rent or other consideration must be payable) were omitted, and
 - (b) Schedule 2 applies as if paragraph 1(2) were omitted.]

Textual Amendments

- F2** Sch. 12 para. 2(2A) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **4(a)**
- F3** Sch. 12 para. 2(5)(6) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **4(b)**

- [2A. (1) Section 7(6) and paragraph 7(2) of Schedule 2 do not apply to a licence where immediately before the appointed day—
 - (a) the licensee was aged 16 or 17, and
 - (b) the licence was—
 - (i) a secure tenancy, or
 - (ii) an assured agricultural occupancy.
- (2) Where sub-paragraph (1) applies, this Act applies to the contract-holder as if he or she were aged 18.]

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VALID FROM 14/07/2022

Determination of whether converted contract is secure contract or standard contract

VALID FROM 01/12/2022

- 3
- (1) Sections 11 to 17 (community landlords and private landlords) apply to a converted contract—
 - (a) under which the landlord is a private landlord, and
 - (b) which immediately before the appointed day was a secure tenancy under which the landlord was a private landlord,as if the landlord were a community landlord.
 - (2) But in section 14 (review of notice of standard contract) subsection (1) applies as if after “section 13” there were inserted “ and the landlord's decision to give the notice is subject to judicial review ”.

VALID FROM 01/12/2022

- 4
- (1) The landlord under a converted contract [^{F4}to which section 11 applies (whether or not under paragraph 3)] may give [^{F5}notice as described in] section 11(2)(b) (notice of standard contract) at any time before the end of the initial notice period.
 - (2) If the landlord [^{F6}gives notice under section 13], the contract is to be treated as having become a standard contract on the appointed day.
 - (3) The landlord under a converted contract may give notice under section 17(1) (notice of secure contract) at any time before the end of the initial notice period.
 - (4) If the landlord does so, the contract is to be treated as having become a secure contract on the appointed day.

Textual Amendments

- F4** Words in Sch. 12 para. 4(1) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **6(a)(i)**
- F5** Words in Sch. 12 para. 4(1) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **6(a)(ii)**
- F6** Words in Sch. 12 para. 4(2) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **6(b)**

VALID FROM 01/12/2022

- [^{F7}5
- A converted contract which immediately before the appointed day was—
- (a) an introductory tenancy, or
 - (b) an assured shorthold tenancy—

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- (i) under which the landlord was a registered social landlord or a private registered provider of social housing, but not a fully mutual housing association or a co-operative housing association, and
- (ii) which was expressed as being, or otherwise amounted to, a starter tenancy,
- has effect as an introductory standard contract (see paragraph 23).]

Textual Amendments

- F7** [Sch. 12 para. 5](#) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), 7

VALID FROM 01/12/2022

- 6 A converted contract has effect as a prohibited conduct standard contract (see paragraph 24) if immediately before the appointed day—
- (a) section 20B of the Housing Act 1988 (c. 50) (demoted assured shorthold tenancies) applied to it, or
- (b) section 143A of the Housing Act 1996 (c. 52) (demoted tenancies) applied to it.

VALID FROM 01/12/2022

- [6A. A converted contract relating to supported accommodation has effect as a supported standard contract only if immediately before the appointed day the contract was—
- (a) an assured shorthold tenancy (see paragraph 24A for further provision about supported standard contracts that were assured shorthold tenancies), or
- (b) a licence, other than a licence which was a secure tenancy.]

VALID FROM 01/12/2022

- 7 (1) A converted contract to which sub-paragraph (2) applies is an additional exception to section 11(1) (contracts made with community landlord are secure contracts).
- (2) This sub-paragraph applies to a converted contract which immediately before the appointed day was a tenancy or licence for a fixed term, provided that—
- (a) a premium was paid for the contract, and
- (b) before the end of the period of one month starting with the appointed day, the contract-holder decides that the contract should become a fixed term standard contract.
- (3) Before the appointed day, a community landlord which is the landlord under a tenancy or licence for a fixed term, and for which a premium was paid, must—

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- (a) inform the contract-holder of his or her right under sub-paragraph (2)(b) to decide that the contract should become a fixed term standard contract, and of the time by which that decision must be made, and
- (b) explain how section 11 will apply to the contract if the contract-holder does not make such a decision.

VALID FROM 01/12/2022

- 8
- (1) This paragraph applies where a community landlord becomes the landlord under a fixed term standard contract before the end of the period of one month starting with the appointed day.
 - (2) Section 12 (contracts adopted by community landlord) applies as if in subsection (8)(b), for “before the community landlord becomes the landlord” there were substituted “ before the end of the period of one month starting with the appointed day (within the meaning of section 242) ”.
 - (3) The landlord must give the contract-holder the notice required by section 15(1) on or before the appointed day.

VALID FROM 01/12/2022

- 9
- (1) The following are additional exceptions to sections 11(1) and 12(3) (contracts made or adopted by community landlord are secure contracts).
 - (2) A converted contract which before the appointed day—
 - (a) had been a secure tenancy, but
 - (b) had ceased to be such a tenancy because of section 89, 91 or 93 of the Housing Act 1985 (c. 68) (succession, assignment and sub-letting).
 - (3) A converted contract which before the appointed day—
 - (a) had been an introductory tenancy, but
 - (b) had ceased to be such a tenancy because of section 133 of the Housing Act 1996 (c. 52) (succession).
 - (4) A converted contract which before the appointed day—
 - (a) had been a demoted tenancy, but
 - (b) had ceased to be such a tenancy because of section 143I of the Housing Act 1996 (succession).

VALID FROM 01/12/2022

- 10
- A converted secure contract which immediately before the appointed day was a secure tenancy becomes a standard contract if—
 - (a) the tenant died before the appointed day, and
 - (b) after that day an event occurs which, but for this Act, would under section 89 of the Housing Act 1985 (c. 68) (succession) have caused the contract to cease to be a secure tenancy.

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Written statement of converted contract and provision of information

VALID FROM 01/12/2022

11 (1) The landlord must give the contract-holder under a converted contract a written statement of the contract before the end of the period of six months starting with the appointed day (“the information provision period”).

[^{F8}(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.]

(2) Any references in this Act to the landlord's obligation under section 31(1) are to be read, in relation to converted contracts, as references to the landlord's obligation under sub-paragraph (1).

Textual Amendments

F8 Sch. 12 para. 11(1A) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 27\(2\)](#)

VALID FROM 01/12/2022

12 Sections 36 and 37 (applications to court) apply in relation to a written statement provided because of paragraph 11(1) as if for the words in section 36(3) and 37(2) there were substituted

“If the landlord was required to provide the written statement under paragraph 11(1) of Schedule 12, the contract-holder may not apply to the court under subsection (1) before—

- (a) the end of the information provision period (within the meaning of Schedule 12), or
- (b) if earlier, the period of 14 days starting with the day on which the landlord gave the contract-holder the written statement.”

VALID FROM 01/12/2022

[^{F9}12A ^{F10}... 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—

“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

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(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.”]

Textual Amendments

- F9** Sch. 12 para. 12A inserted (7.6.2021) by Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), **Sch. 6 para. 27(3)**
- F10** Sub-provision number "(1)" in Sch. 12 para. 12A omitted (14.7.2022) by virtue of The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **9**

Commencement Information

- I1** Sch. 12 para. 12A in force at 1.12.2022 by S.I. 2022/906, **art. 2**

VALID FROM 01/12/2022

- 13 (1) Section 39(1) (information about landlord's address) applies in relation to a converted contract as if for “the period of 14 days starting with the occupation date of the contract” there were substituted “ the information provision period (within the meaning of Schedule 12) ”.
- (2) Section 40(2) (compensation) applies in relation to section 39(1), as modified by sub-paragraph (1), as if the relevant date were the first day of the period of 14 days ending with the last day of the information provision period (and accordingly section 40 is to be read as if subsection (5) were omitted).

Variation

VALID FROM 01/12/2022

- 14 (1) A converted contract may not be varied before the landlord has given the contract-holder a written statement of the contract.
- (2) Sub-paragraph (1) does not apply to [—
- (a)] a variation under section 104 or 123 (variation of rent)[, or
- (b) an increase in rent under section 93 of the Rent Act 1977 (c. 42).]

Commencement Information

- I2** Sch. 12 para. 14 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

- 15 (1) Sections 104 and 123 (variation of rent) apply to a converted contract as if any variations in the rent payable under the contract before the appointed day were variations under whichever of those sections applies.
- (2) The Welsh Ministers must by regulations make provision—

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- (a) enabling the contract-holder under a relevant converted contract, following receipt of a notice under section 104 or 123, to apply to a prescribed person or persons for a determination of the rent for the dwelling, and
 - (b) for the rent determined by the prescribed person or persons, in accordance with such assumptions as may be prescribed, to be the rent for the dwelling under the contract (unless the landlord and contract-holder otherwise agree).
- (3) A converted contract is a relevant converted contract if immediately before the appointed day it was a tenancy to which section 13 of the Housing Act 1988 (c. 50) (increases of rent under assured periodic tenancies) applied.

Commencement Information

I3 [Sch. 12 para. 15\(2\)](#) in force at 5.8.2016 for specified purposes by [S.I. 2016/813](#), art. 2(a), [Sch. Pt. 1](#)

VALID FROM 01/12/2022

Waste and tenant-like user

- 16 Section 101 does not apply to a converted contract; accordingly—
- (a) a contract-holder under a converted contract is subject to the same liability for waste in respect of the dwelling as he or she was subject to immediately before the appointed day, and
 - (b) the rule of law under which a tenant has an implied duty to use demised premises in a tenant-like manner applies to a contract-holder under a converted contract as it applied to him or her immediately before the appointed day.

VALID FROM 01/12/2022

Dealing

- 17 (1) This paragraph is a fundamental provision which is incorporated as a term of all converted standard contracts which immediately before the appointed day were secure tenancies.
- (2) The contract-holder may allow persons to live in the dwelling as lodgers.
- 18 (1) This paragraph applies in relation to a converted contract—
- (a) which is a secure contract or periodic standard contract, and
 - (b) under which there are joint contract-holders who were tenants in common in equity immediately before the appointed day.
- (2) The provisions of fixed term standard contracts mentioned in subsection (1) of each of sections 140, 141 and 142 (transfers) are terms of the contract, and subsections (2) and (3) of each of those sections apply accordingly.
- 19 (1) This paragraph applies in relation to a converted contract which is a fixed term standard contract.

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- (2) The provisions of fixed term standard contracts mentioned in subsection (1) of each of sections 139, 140, 141 and 142 (transfers) are terms of the contract, and subsections (2) and (3) of each of those sections apply accordingly.
- (3) Sub-paragraph (2) does not apply to the extent that any of those provisions is incompatible with an existing term of the contract.

VALID FROM 01/12/2022

Succession

- 20 (1) The contract-holder under a converted contract is to be treated as a priority successor in relation to the contract if—
- (a) immediately before the appointed day the converted contract was of a description in column 1 of Table 6,
 - (b) before the appointed day it had vested in the contract-holder under the provision in column 2 of that Table, and
 - (c) the contract-holder qualified to succeed because of the provisions in column 3 of that Table.

TABLE 6

TYPE OF TENANCY	VESTING PROVISION	QUALIFYING PROVISIONS
Secure tenancy	Section 89 of the Housing Act 1985 (c. 68)	Sections 87 and 113(1)(a) of that Act
Introductory tenancy	Section 133 of the Housing Act 1996 (c. 52)	Sections 131 and 140(1)(a) of that Act
Demoted tenancy	Section 143H of the Housing Act 1996	Section 143P(1)(a) or (b) of that Act

- (2) The contract-holder under a converted contract is also to be treated as a priority successor in relation to the contract if—
- (a) immediately before the appointed day the contract was an assured tenancy,
 - (b) before the appointed day it had vested in the contract-holder under section 17 of the Housing Act 1988 (c. 50) (succession to assured tenancy), and
 - (c) on the appointed day the landlord under the contract was a community landlord.
- 21 (1) The contract-holder under a converted contract is to be treated as a reserve successor in relation to the contract if—
- (a) immediately before the appointed day the converted contract was of a description in column 1 of Table 7,
 - (b) before the appointed day it had vested in the contract-holder under the provision in column 2 of that Table, and
 - (c) the contract-holder qualified to succeed because of the provisions in column 3 of that Table.

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TABLE 7

TYPE OF TENANCY	VESTING PROVISION	QUALIFYING PROVISIONS
Secure tenancy	Section 89 of the Housing Act 1985 (c. 68)	Sections 87(b) and 113(1) (b) of that Act
Introductory tenancy	Section 133 of the Housing Act 1996 (c. 52)	Sections 131(b) and 140(1)(b) of that Act
Demoted tenancy	Section 143H of the Housing Act 1996	Section 143P(1)(c) of that Act

- (2) The contract-holder under a converted contract is to be treated as a reserve successor in relation to the contract if—
- (a) immediately before the appointed day the contract was an assured tenancy, and
 - (b) before the appointed day the contract-holder had become entitled to the assured tenancy under paragraph 3 of Schedule 1 to the Rent Act 1977 (c. 42) (succession).
- (3) The contract-holder under a converted contract is to be treated as a reserve successor in relation to the contract if—
- (a) immediately before the appointed day the contract was an assured tenancy,
 - (b) before the appointed day it had vested in the contract-holder under section 17 of the Housing Act 1988 (c. 50) (succession to assured tenancy), and
 - (c) on the appointed day the landlord under the contract was a private landlord.

VALID FROM 01/12/2022

Requirement to occupy dwelling as main home under certain converted contracts

- 22 (1) Sub-paragraph (2) has effect in relation to a converted contract to which this paragraph applies as if it were a supplementary provision prescribed by the Welsh Ministers under section 23.
- (2) The contract-holder (or if more than one, at least one of them) must occupy the dwelling subject to the contract as his or her only or principal home.
- (3) This paragraph applies to a converted contract which immediately before the appointed day was—
- (a) a protected or statutory tenancy,
 - (b) a secure tenancy,
 - (c) an assured tenancy,
 - (d) an introductory tenancy, or
 - (e) a demoted tenancy.

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Introductory standard contracts

- 23 (1) This paragraph applies to a converted contract which has effect as an introductory standard contract because of paragraph 5.
- (2) The introductory period of the contract ends if—
- (a) the tenant died before the appointed day, and
 - (b) after that day an event occurs which, but for this Act, would under section 133 of the Housing Act 1996 (c. 52) (succession) have caused the contract to cease to be an introductory tenancy,
- and section 16(1)(b) of this Act (conversion to secure contract) does not apply where the introductory period ends because of this sub-paragraph.
- (3) This Act applies as if ^[F11]—
- (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]
 - ^[F12](c) the reference in paragraph 1(7) of Schedule 4 to the introduction date of the contract were a reference to—
 - (i) in relation to a converted contract which, immediately before the appointed day, was an introductory tenancy, to the day which was the beginning of the trial period under section 125(2)(a) or (b) of the Housing Act 1996 (c. 52);
 - (ii) in relation to a converted contract which, immediately before the appointed day, was a starter tenancy, to the introduction date of the tenancy as determined in accordance with sub-paragraph (5).]
- (4) Paragraph 2 of Schedule 4 (introductory period where there are previous contracts) applies as if references to introductory standard contracts were to—
- (a) assured shorthold tenancies under which the landlord was a registered social landlord or a private registered provider of social housing, or
 - (b) introductory tenancies.
- (5) For the purposes of paragraph 2 of Schedule 4 the introduction date of an assured shorthold tenancy under which the landlord was a registered social landlord or a private registered provider of social housing is—
- (a) the day on which the tenant was entitled to begin occupying the dwelling, or
 - (b) if the tenancy was not made with a registered social landlord or a private registered provider of social housing, the day a registered social landlord or a private registered provider of social housing became the landlord.
- ^[F13](6) For the purposes of paragraph 2 of Schedule 4 the introduction date—
- (a) in relation to a converted contract which, immediately before the appointed day, was an introductory tenancy, is the day which was the beginning of the trial period under section 125(2)(a) or (b) of the Housing Act 1996;

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- (b) in relation to a converted contract which, immediately before the appointed day, was a starter tenancy, is the introduction date of the tenancy as determined in accordance with sub-paragraph (5).]

[^{F14}(7) Paragraph 2(5) and (6) of Schedule 4 does not apply, but—

- (a) a notice of extension given, in relation to a converted contract which was an introductory tenancy, under section 125A of the Housing Act 1996, and
 (b) a notice, given in relation to a converted contract which was a starter tenancy, extending the period at the end of which the landlord and the tenant would enter into an assured tenancy (that is not an assured shorthold tenancy),

has effect as if given under paragraph 3 of Schedule 4 (and, regardless of the length of extension under a notice as described in paragraph (b), the introductory period ends 18 months after the introduction date of the starter tenancy (as determined in accordance with sub-paragraph 5)).]

Textual Amendments

- F11** Words in Sch. 12 para. 23(3) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), s. 19(3), **Sch. 6 para. 27(4)**
- F12** Sch. 12 para. 23(3)(c) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022](#) (S.I. 2022/795), regs. 1(2), **13(a)**
- F13** Sch. 12 para. 23(6) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022](#) (S.I. 2022/795), regs. 1(2), **13(b)**
- F14** Sch. 12 para. 23(7) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022](#) (S.I. 2022/795), regs. 1(2), **13(c)**

VALID FROM 01/12/2022

Prohibited conduct standard contract

- 24 (1) This Act applies to a converted contract which has effect as a prohibited conduct standard contract because of paragraph 6 as if—
- (a) the demotion order were an order under section 116 (order imposing periodic standard contract),
- (b) references to the occupation date of the contract were to the day on which the demotion order took effect, and
- (c) paragraphs 4 to 7 of Schedule 7 (changing the probation period) were omitted.
- (2) The “demotion order” is—
- (a) the order under section 82A of the Housing Act 1985 (c. 68) or section 6A of the Housing Act 1988 (c. 50) because of which section 20B of the Housing Act 1988 applied, or
- (b) the order under section 82A of the Housing Act 1985 because of which section 143A of the Housing Act 1996 (c. 52) applied.

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Termination of contract by landlord

VALID FROM 01/12/2022

25 Sections 173 to 180 (termination by landlord's notice) are not applicable to a periodic standard contract which immediately before the appointed day was an assured tenancy but not an assured shorthold tenancy.

VALID FROM 01/12/2022

^{F15}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—

^{F16}(a) the reference in section 174(1) (landlord's notice: minimum notice period) to “six months” were, in relation to a notice given under section 173 during the period of six months starting with the appointed day, 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), [^{F17}the reference in subsection (1)] (and the heading) to “six months” [^{F18}was a reference] to “four months” [^{F19}, and

(c) in section 175, for subsections (2) and (3) there were substituted—

“(2) If the converted contract is a substitute tenancy or licence, the landlord may not give notice under section 173 before the end of the period of four months starting with the day on which the contract-holder became entitled to occupy the dwelling under the original tenancy or licence.

(3) For the purposes of subsection (2)—

(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;

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(ii) where there have been successive substitute tenancies or licences, the tenancy or licence which preceded the first of the substitute tenancies or licences.”]]

Textual Amendments

- F15** Sch. 12 para. 25A inserted (7.6.2021) by **Renting Homes (Amendment) (Wales) Act 2021** (asc 3), s. 19(3), **Sch. 6 para. 27(5)**
- F16** Sch. 12 para. 25A(2)(a) substituted (30.11.2022 at 11.00 p.m.) by **The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2022** (S.I. 2022/1258), regs. 1(2), 5
- F17** Words in Sch. 12 para. 25A(2)(b) substituted (14.7.2022) by **The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022** (S.I. 2022/795), regs. 1(2), **15(a)(i)**
- F18** Words in Sch. 12 para. 25A(2)(b) substituted (14.7.2022) by **The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022** (S.I. 2022/795), regs. 1(2), **15(a)(ii)**
- F19** Sch. 12 para. 25A(2)(c) and word inserted (14.7.2022) by **The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022** (S.I. 2022/795), regs. 1(2), **15(b)**

VALID FROM 01/12/2022

- [^{F20}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.
- [The reference to a tenancy or licence for a fixed term in sub-paragraph (1)(a) does ^{F21}(1A) not include a reference to an assured tenancy that was not an assured shorthold tenancy.]
- (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
 - (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,

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- (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.

Textual Amendments

F20 Sch. 12 paras. 25B, 25C inserted (7.6.2021) by Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), **Sch. 6 para. 27(6)**

F21 Sch. 12 para. 25B(1A) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **16**

VALID FROM 01/12/2022

- 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).]

Textual Amendments

F20 Sch. 12 paras. 25B, 25C inserted (7.6.2021) by Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), **Sch. 6 para. 27(6)**

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VALID FROM 01/12/2022

[^{F22}25D¹] This paragraph applies to a fixed term standard contract [^{F23}(other than a tenancy or licence mentioned in paragraph 26(2) or (3))] 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—
- (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.]

Textual Amendments

- F22** Sch. 12 para. 25D inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\)](#), [Sch. 6 para. 27\(7\)](#)
- F23** Words in Sch. 12 para. 25D(1) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), [17](#)

VALID FROM 01/12/2022

- 26 (1) Section 194 (landlord's break clause) does not apply to the following fixed term standard contracts (and accordingly sections 195 to 201 are not incorporated as terms of such contracts).
- (2) A fixed term standard contract which immediately before the appointed day was a secure tenancy for a fixed term.
 - (3) A fixed term standard contract which—
 - (a) immediately before the appointed day was an assured tenancy for a fixed term, and
 - (b) is not an excluded contract.
 - (4) A contract is an excluded contract if, immediately before the appointed day, the landlord could have made a claim for possession relying on Ground 3 or 4 of Schedule 2 to the Housing Act 1988 (c. 50).

VALID FROM 01/12/2022

- 27 Estate management Ground C (special accommodation: charities) applies to a converted contract as if the occupation contract was made on the appointed day.

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VALID FROM 14/07/2022

*Termination of contract that was assured tenancy by
landlord: additional absolute grounds for possession*

VALID FROM 01/12/2022

- 28 (1) This paragraph applies in relation to a converted contract which immediately before the appointed day was an assured tenancy.
- (2) The landlord may claim possession of the dwelling subject to the contract relying on Ground 1, 2 or 5 of Schedule 2 to the Housing Act 1988 (c. 50).
- (3) But the landlord may not do so before the end of the period of two months starting with the day on which the landlord gives the contract-holder a possession notice (in accordance with section 150) specifying that Ground.
- (4) Subject to section 204 (possession claims: powers of court) (which applies as if subsection (1)(a) included a reference to sub-paragraph (3)), if the court is satisfied that the Ground is made out it must make an order for possession (subject to any available defence based on the contract-holder's Convention rights).
- 29 (1) This paragraph also applies in relation to a converted contract which immediately before the appointed day was an assured tenancy.
- (2) The landlord may claim possession of the dwelling subject to the contract relying on Ground 7 of Schedule 2 to the Housing Act 1988 (c. 50) if—
- (a) the tenant under the assured tenancy died before the appointed day, and
- (b) before the appointed day the assured tenancy devolved, or after the appointed day the converted contract devolves, under the tenant's will or intestacy.
- (3) But the landlord may not do so before the end of the period of two months starting with the day on which the landlord gives the contract-holder a possession notice specifying that Ground.
- (4) Subject to section 204 (possession claims: powers of court) (which applies as if subsection (1)(a) included a reference to sub-paragraph (3)), if the court is satisfied that the Ground is made out it must make an order for possession (subject to any available defence based on the contract-holder's Convention rights).

VALID FROM 01/12/2022

Implied tenancies and licences

- 30 (1) This paragraph applies if, immediately before the appointed day, a dwelling is occupied as a home by a person who is a trespasser in relation to that dwelling.
- (2) Section 238 (implied tenancies and licences)—
- (a) applies to payments made by the person before the appointed day as to payments made by him or her after the appointed day, and

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- (b) applies as if the end of the relevant period were the end of the period mentioned in section 238(3) or, if later, the appointed day.

VALID FROM 01/12/2022

The occupation date

- 31 The occupation date, in relation to a converted contract, is the day on which the contract-holder became entitled to occupy the dwelling under the tenancy or licence which became an occupation contract on the appointed day.

VALID FROM 01/12/2022

Substitute occupation contracts

- 32 (1) If after a converted contract ends there are one or more substitute contracts, for the purposes of this Schedule (except paragraph 28), the substitute contract is (or the substitute contracts are) to be treated as if they were the same tenancy or licence as the converted contract.
- (2) The following are substitute contracts.
- (3) An occupation contract between—
- (a) a contract-holder [^{F24}who, immediately before the day on which the contract-holder became entitled to occupy the dwelling under that contract,] was a contract-holder under a converted contract or a substitute contract, and
 - (b) a landlord that immediately before that [^{F25}day] was a landlord under the converted contract or substitute contract,
- which relates to the same (or substantially the same) dwelling as the converted contract or substitute contract.
- ^{F26}(4)
- (5) If a converted contract or a substitute contract ends under section 12(3)(a) (standard contract adopted by community landlord), the occupation contract which arises under section 12(3)(b).
- (6) If a converted contract or a substitute contract is ended under section 220 (abandonment), and under section 222(3)(b) the court orders the landlord to provide suitable alternative accommodation, an occupation contract made in accordance with the order.
- (7) If under section 210 (estate management grounds) the court makes an order for possession of a dwelling subject to a converted contract or a substitute contract, an occupation contract made to provide the contract-holder with suitable alternative accommodation.
- ^{F27}(8) This Schedule applies to a substitute contract which—
- (a) arises under section 184(2) as if paragraph 25A(2)(a) were omitted;

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(b) is within section 184(6) as if paragraphs 25A(2)(a), 25B, 25C and 25D were omitted.]

Textual Amendments

- F24** Words in Sch. 12 para. 32(3)(a) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **19(a)(i)**
- F25** Word in Sch. 12 para. 32(3)(b) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **19(a)(ii)**
- F26** Sch. 12 para. 32(4) omitted (14.7.2022) by virtue of The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **19(b)**
- F27** Sch. 12 para. 32(8) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **19(c)**

Power to amend Schedule

33 The Welsh Ministers may by regulations amend this Schedule.

Commencement Information

- I4** Sch. 12 para. 33 in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), **Sch. Pt. 1**

Status:

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