These notes refer to the Renting Homes (Wales) Act 2016 (c.1) which received Royal Assent on 18 January 2016

RENTING HOMES (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 - Termination Etc. of Occupation Contracts
Chapter 10 – Possession Claims: Powers of Court in Relation to Discretionary Grounds

(This Chapter Applies to All Occupation Contracts)

Schedule 10 - Orders for Possession on discretionary grounds etc.: reasonableness

451. Schedule 10 sets out the circumstances that the court must consider (so far as the court thinks they are relevant) in relation to making a possession order on the ground of breach of contract. The court has discretion as to whether to make the order (in contrast to the 'absolute grounds', where, broadly speaking, the court must make the order sought if the ground is made out). This Schedule also applies where the court is considering whether to make an order on an estate management ground (see section 210), and where the court is considering whether to adjourn proceedings or postpone the giving up of possession under a possession order (see section 211).

452. Paragraphs 4 to 13 set out the various circumstances. In summary, these are:

- Circumstances as regards the contract-holder;
- Circumstances as regards the landlord;
- Circumstances as regards other persons;
- Whether the landlord has offered or undertakes to offer a new occupation contract;
- Circumstances which are relevant to a possession claim on ground of breach of contract;
- Circumstances which are relevant to a possession claim concerning section 55 (prohibited conduct);
- Circumstances which are relevant to a possession claim on estate management Ground G of the estate management grounds (accommodation not required by reserve successor); and
- Circumstances which are relevant to a possession claim on estate management Ground H (departing joint contract-holder).

453. Paragraph 14 sets out a circumstance to which a court must not have regard (subject to any other duty to have regard to that circumstance); that is, the likelihood of assistance being provided to the contract-holder in the event of him or her becoming homeless.