



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 1

##### OVERVIEW AND INTRODUCTORY PROVISIONS

###### *Overview*

#### 147 Overview of Part

The following table provides an overview of this Part—

TABLE 1

CHAPTER	OCCUPATION CONTRACTS TO WHICH IT APPLIES	CONTENT OF CHAPTER
1	All occupation contracts (except section 151, which applies only to introductory standard contracts and prohibited conduct standard contracts)	(a) ways in which occupation contracts may be ended, (b) circumstances in which landlords may make a claim to the court for recovery of possession of a dwelling, and (c) “possession notices”, which are notices landlords must give

*Status: This is the original version (as it was originally enacted).*

CHAPTER	OCCUPATION CONTRACTS TO WHICH IT APPLIES	CONTENT OF CHAPTER
		to contract-holders before making a possession claim under section 157 (breach of contract), section 161 (in relation to estate management grounds), sections 165 or 170 (recovery of possession after contract-holder's notice), section 181 or 187 (serious rent arrears) or section 191 (recovery of possession after use of contract-holder's break clause).
2	All occupation contracts	Certain circumstances in which occupation contracts can end without a possession claim.
3	All occupation contracts	Landlords' possession claims on— (a) ground of contract-holder's breach of contract, and (b) estate management grounds.
4	Secure contracts	Contract-holder's right to end the contract.
5	Periodic standard contracts	(a) contract-holder's right to end the contract, and (b) rights of landlord to end the contract and make a possession claim.
6 and 7	Fixed term standard contracts	(a) what happens at the end of the term, (b) contract-holder's right to end the contract, and (c) rights of landlord to end the contract and

CHAPTER	OCCUPATION CONTRACTS TO WHICH IT APPLIES	CONTENT OF CHAPTER
		make a possession claim.
8	Introductory standard contracts and prohibited conduct standard contracts	Review by landlord, when required by contract-holder, of landlord's decision to give a notice requiring possession on certain grounds.
9 and 10	All occupation contracts	(a) powers of court in relation to all possession claims, and (b) powers of court in relation to possession claims concerning discretionary grounds for possession.
11	Secure contracts	Powers and duties of court in relation to possession claims concerning a contract-holder's notice.
12	Standard contracts	Powers and duties of court in relation to possession claims concerning absolute grounds for possession.
13 to 15	All occupation contracts	(a) rights of landlord in relation to abandonment of dwelling by contract-holder, (b) termination and exclusion where there are joint contract-holders, and (c) forfeiture and notices to quit not available in relation to occupation contracts.

*Permissible termination, possession claims and notices requiring possession*

#### **148 Permissible termination etc.**

(1) An occupation contract may be ended only in accordance with—

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- (a) the fundamental terms of the contract which incorporate fundamental provisions set out in this Part or other terms included in the contract in accordance with this Part, or
  - (b) an enactment.
- (2) Nothing in this section affects—
- (a) any right of the landlord or contract-holder to rescind the contract, or
  - (b) the operation of the law of frustration.
- (3) This section is a fundamental provision which is incorporated as a term of all occupation contracts; section 20 provides that this section—
- (a) must be incorporated, and
  - (b) must not be incorporated with modifications.

#### **149 Possession claims**

- (1) The landlord under an occupation contract may make a claim to the court for recovery of possession of the dwelling from the contract-holder (“a possession claim”) only in the circumstances set out in Chapters 3 to 5 and 7.
- (2) This section is a fundamental provision which is incorporated as a term of all occupation contracts; section 20 provides that this section—
- (a) must be incorporated, and
  - (b) must not be incorporated with modifications.

#### **150 Possession notices**

- (1) This section applies in relation to a possession notice which a landlord is required to give to a contract-holder before making a possession claim.
- (2) The notice must (in addition to specifying the ground on which the claim will be made)—
- (a) state the landlord’s intention to make a possession claim,
  - (b) give particulars of the ground, and
  - (c) state the date after which the landlord is able to make a possession claim.
- (3) This section is a fundamental provision which is incorporated as a term of all occupation contracts.

*Notices requiring possession: introductory standard contracts and prohibited conduct standard contracts*

#### **151 Introductory standard contracts and prohibited conduct standard contracts: notices under sections 173 and 181**

- (1) Subsection (2) applies in relation to—
- (a) a notice given under section 173 (landlord’s notice) in connection with an introductory standard contract or a prohibited conduct standard contract;
  - (b) a possession notice given under section 181 (serious rent arrears) in connection with an introductory standard contract or a prohibited conduct standard contract.

- (2) The notice must (in addition to complying with any other requirements under this Act) inform the contract-holder of the right to apply for a review under section 202 (review by landlord), and of the time by which the application must be made.
- (3) This section is a fundamental provision which is incorporated as a term of all introductory standard contracts and prohibited conduct standard contracts.