



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9 **E+W**

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 12 **E+W**

##### POSSESSION CLAIMS: POWERS OF COURT IN RELATION TO ABSOLUTE GROUNDS

(THIS CHAPTER APPLIES ONLY TO STANDARD CONTRACTS)

*Absolute grounds for possession relating to standard contracts*

#### 215 Notice grounds **E+W**

- (1) Subsection (2) applies if—
  - (a) the landlord under a standard contract makes a possession claim on the ground in section 170 or 191 (contract-holder's notice) or section 186 (landlord's notice in connection with end of fixed term), and
  - (b) the court is satisfied that the ground is made out.
- (2) The court must make an order for possession of the dwelling (subject to any available defence based on the contract-holder's Convention rights).
- (3) Subsection (4) applies if—
  - (a) the landlord under a standard contract makes a possession claim on the ground in section 178 or 199 (landlord's notice), and
  - (b) the court is satisfied that the ground is made out.
- (4) The court 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).

*Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: Absolute grounds for possession relating to standard contracts is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes*

(5) This section is subject to section 218 (review by the county court).

**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)**)

**Commencement Information**

**I1** S. 215 in force at 1.12.2022 by [S.I. 2022/906](#), art. 2

**216 Serious rent arrears grounds** **E+W**

- (1) This section applies if the landlord under a standard contract makes a possession claim on the ground in section 181 or 187 (serious rent arrears).
- (2) If the court 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 a possession notice, and
  - (b) is seriously in arrears with his or her rent on the day on which the court hears the possession claim,
 it must make an order for possession of the dwelling (subject to any available defence based on the contract-holder's Convention rights).
- (3) Section 181(2) or (as the case may be) section 187(2) applies for determining whether a contract-holder is seriously in arrears with his or her rent.
- (4) This section is subject to section 218 (review by the county court).

**Commencement Information**

**I2** S. 216 in force at 1.12.2022 by [S.I. 2022/906](#), art. 2

**Changes to legislation:**

Renting Homes (Wales) Act 2016, Cross Heading: Absolute grounds for possession relating to standard contracts is up to date with all changes known to be in force on or before 24 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)