



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9

### TERMINATION ETC. OF OCCUPATION CONTRACTS

## CHAPTER 5

### TERMINATION OF PERIODIC STANDARD CONTRACTS

#### *Termination by landlord: landlord's notice*

#### 173 Landlord's notice

- (1) The landlord under a periodic standard contract may end the contract by giving the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.
- (2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

<sup>F1</sup>(3) .....

#### Textual Amendments

- F1** S. 173(3) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), ss. 12(4), 19(3)

#### 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. 173 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))

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#### Commencement Information

**I1** [S. 173](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### 174 Minimum notice period

- (1) The date specified in a notice under section 173 may not be less than [<sup>F2</sup>six months] after the day on which the notice is given to the contract-holder.
- [<sup>F3</sup>(2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts, except periodic standard contracts which—
- (a) do not incorporate section 173 as a term of the contract, or
  - (b) are within Schedule 8A (whether or not they incorporate section 173 as a term of the contract).]

#### Textual Amendments

- F2** Words in [s. 174\(1\)](#) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), [ss. 1\(2\)\(a\)](#), 19(3)
- F3** [S. 174\(2\)](#) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), [ss. 1\(2\)\(b\)](#), 19(3)

#### Commencement Information

**I2** [S. 174](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### [<sup>F4</sup>174A Minimum notice period: periodic standard contracts within Schedule 8A

- (1) If a periodic standard contract is within Schedule 8A, the date specified in a notice under section 173 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 periodic standard contracts which—
- (a) incorporate section 173 as a term of the contract, and
  - (b) are within Schedule 8A.]

#### Textual Amendments

- F4** [S. 174A](#) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), [ss. 1\(3\)](#), 19(3)

#### Commencement Information

**I3** [S. 174A](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### 175 [<sup>F5</sup>Restriction on section 173: notice may not be given until after the first six months of occupation]

- (1) The landlord may not give notice under section 173 before the end of the period of [<sup>F6</sup>six months] starting with the occupation date of the contract.

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- (2) If the contract is a substitute occupation contract, the landlord may not give notice under section 173 before the end of the period of [<sup>F7</sup>six months] starting with the occupation date of the original contract.
- (3) For the purposes of subsection (2)—
- (a) an occupation contract is a substitute occupation contract if—
- (i) the occupation date of the contract falls immediately after the end of a preceding occupation contract,
- (ii) immediately before the occupation date of the contract a contract-holder under the contract was a contract-holder under the preceding contract and a landlord under the contract was a landlord under the preceding contract, and
- (iii) the contract relates to the same (or substantially the same) dwelling as the preceding contract, and
- (b) “original contract” means—
- (i) where the substitute occupation contract has an occupation date falling immediately after the end of a contract which is not a substitute occupation contract, the occupation contract which precedes the substitute occupation contract;
- (ii) where there have been successive substitute occupation contracts, the occupation contract which preceded the first of the substitute occupation contracts.
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts, except periodic standard contracts which—
- (a) do not incorporate section 173 as a term of the contract, or
- (b) are within Schedule 9 (whether or not they incorporate section 173 as a term of the contract),

F8  
...

#### Textual Amendments

- F5 S. 175 heading substituted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 4(2)**, 19(3)
- F6 Words in s. 175(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 4(1)(a)**, 19(3)
- F7 Words in s. 175(2) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 4(1)(b)**, 19(3)
- F8 Words in s. 175(4) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 15**

#### Commencement Information

- I4 S. 175 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

#### [<sup>F9</sup>176 Restrictions on giving notice under section 173: breaches of statutory obligations

Schedule 9A imposes restrictions on the giving of notice under section 173, related to breaches of certain statutory obligations.]

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#### Textual Amendments

**F9** S. 176 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 6(2), 19(3)**

#### Commencement Information

**I5** S. 176 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### [<sup>F10</sup>177 Restrictions on giving further notices under section 173

- (1) Subsections (2) and (3) apply where—
  - (a) a landlord has given a contract-holder a notice under section 173 (“the first notice”), and
  - (b) the landlord has subsequently withdrawn the notice (see section 180(3)).
- (2) The landlord may not give another notice under section 173 to the contract-holder before the end of the period of six months starting with the day on which the first notice was withdrawn, other than in accordance with subsection (3).
- (3) The landlord may give one more notice under section 173 to the contract-holder during the period of 28 days starting with the day on which the first notice was given.
- (4) Subsection (5) applies where—
  - (a) a landlord has given a contract-holder a notice under section 173, and
  - (b) the period for making a possession claim on the ground in section 178 has ended without the landlord having made a claim.
- (5) The landlord may not give another notice under section 173 to the contract-holder before the end of the period of six months starting with the last day of the period before the end of which the landlord could have made the claim (see section 179(1)(b)).
- (6) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts which incorporate section 173 as a term of the contract.]

#### Textual Amendments

**F10** S. 177 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 7, 19(3)**

#### Commencement Information

**I6** S. 177 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### [<sup>F11</sup>177A Restriction on giving notice under section 173 following retaliatory possession claim

- (1) Subsection (2) applies where—
  - (a) a landlord (having given a contract-holder a notice under section 173) has made a possession claim on the ground in section 178, and
  - (b) the court has refused to make an order for possession because it considered the claim to be a retaliatory claim (see section 217).

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- (2) The landlord may not give another notice under section 173 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 periodic standard contracts which incorporate section 173 as a term of the contract.]

#### Textual Amendments

**F11** [S. 177A](#) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), [ss. 9\(2\), 19\(3\)](#)

#### Commencement Information

**I7** [S. 177A](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### 178 Recovery of possession

- (1) If the landlord gives the contract-holder a notice under section 173, 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: standard contracts) 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 periodic standard contracts.

#### Commencement Information

**I8** [S. 178](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### 179 Restriction on section 178

- (1) The landlord may not make a possession claim on the ground in section 178—
  - (a) before the date specified in the notice given by the landlord to the contract-holder under section 173, 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 periodic standard contracts.

#### Commencement Information

**I9** [S. 179](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### 180 Termination of contract on landlord's notice

- (1) If the contract-holder gives up possession of the dwelling on or before the date specified in a notice under section 173, the contract ends on the date specified in the notice.

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- (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>F12</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 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 periodic standard contracts.

#### Textual Amendments

**F12** Words in s. 180(3) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), ss. 8(2), 19(3)

#### Commencement Information

**I10** S. 180 in force at 1.12.2022 by [S.I. 2022/906](#), art. 2

**Changes to legislation:**

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**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](#)