

Changes to legislation: Renting Homes (Wales) Act 2016, SCHEDULE 1 is up to date with all changes known to be in force on or before 21 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

SCHEDULE 1

(introduced by section 4)

OVERVIEW OF FUNDAMENTAL PROVISIONS
INCORPORATED AS TERMS OF OCCUPATION CONTRACTS

PART 1

SECURE CONTRACTS

Commencement Information

II Sch. 1 Pt. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

TABLE 3

FUNDAMENTAL PROVISION	NATURE OF PROVISION	NOTES
Section 31	Landlord (“L”) must provide contract-holder (“C-H”) with written statement of occupation contract	
Sections 39 and 40	L must provide C-H with L's name and address and other information	
Section 41	Notices and documents must be in writing	
Sections 43 and 45	Payment of deposits etc. and requirement that L uses authorised deposit scheme	Section 45 must be incorporated without modification.
Section 49	C-H may, with L's consent, add joint C-H	
Section 52	Rights of joint C-H where another joint C-H dies or otherwise leaves contract	Must be incorporated without modification.
Section 54	L must not interfere with C-H's right to occupy the dwelling	
Section 55	Anti-social behaviour and other prohibited conduct	Must be incorporated without modification.
Section 57	C-H may only deal with the occupation contract in limited ways	
Section 88	C-H may set off compensation L is liable to	

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	pay under section 87 against C-H's rent	
Sections 91 to 93 and 95 to 99	L's obligations to keep the dwelling in good state of repair etc.	
Sections 103 to 109	When and how contract may be varied	Sections 103(1)(b) and (2) and 108 must be incorporated without modification. Section 104 applies only to contracts under which rent is payable [^{F1} and which are not housing association tenancies (as to which, see section 93 of the Rent Act 1977 (c. 42))], and section 105 applies only to contracts under which consideration other than rent is payable.
Section 111	Withdrawal of joint C-H	
Section 113	C-H may have lodgers	
Section 114	C-H may transfer contract to potential successors	
Section 118	C-H's right to transfer to other secure C-Hs	Only applies where L is a community landlord.
Sections 148 to 150	General provision about termination of contract	Sections 148 and 149 must be incorporated without modification.
Sections 152 to 155	Termination without possession claim	Section 155 (death of C-H) must be incorporated without modification.
Sections 157 to 159	Termination by L on ground of breach of contract	Section 158 (false statement inducing L to make contract) must be incorporated without modification.
Sections 160 and 161 and Part 1 of Schedule 8	Termination by L on an estate management ground	
Sections 163 to 167	Termination by notice given by C-H	
Section 206	Effect of order for possession	
Section 231	Termination of contract which has joint C-Hs	

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Textual Amendments

- F1** Words in Sch. 1 Pt. 1 table 3 inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **5(6)(a)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)

PART 2

PERIODIC STANDARD CONTRACTS

Commencement Information

- I2** [Sch. 1 Pt. 2](#) in force at 1.12.2022 by [S.I. 2022/906](#), art. 2

TABLE 4

FUNDAMENTAL PROVISION	NATURE OF PROVISION	NOTES
Section 31	Landlord (“L”) must provide contract-holder (“C-H”) with written statement of occupation contract	
Sections 39 and 40	L must provide C-H with L's name and address and other information	
Section 41	Notices and documents must be in writing	
Sections 43 and 45	Payment of deposits etc. and requirement that L uses authorised deposit scheme	Section 45 must be incorporated without modification.
Section 49	C-H may, with L's consent, add joint C-H	
Section 52	Rights of joint C-H where another joint C-H dies or otherwise leaves contract	Must be incorporated without modification.
Section 54	L must not interfere with C-H's right to occupy the dwelling	
Section 55	Anti-social behaviour and other prohibited conduct	Must be incorporated without modification.
Section 57	C-H may only deal with the occupation contract in limited ways	

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Section 88	C-H may set off compensation L is liable to pay under section 87 against C-H's rent	
Sections 91 to 93 and 95 to 99	L's obligations to keep dwelling in good state of repair etc.	
Sections 122 to 128	When and how contract may be varied	Sections [^{F2} 122(1)(b)] and (2) and 127 must be incorporated without modification. Section 123 applies only to contracts under which rent is payable [^{F3} and which are not housing association tenancies (as to which, see section 93 of the Rent Act 1977 (c. 42))], and section 124 applies only to contracts under which consideration other than rent is payable. ^{F4} ...
Section 130	Withdrawal of joint C-H	
Section 145	L's right to temporarily exclude C-H from supported accommodation	Applies only to supported standard contracts (see section 143).
Sections 148 to 150	General provision about termination of contract	Sections 148 and 149 must be incorporated without modification.
Section 151	Further provision about notices requiring contract-holder to give up possession	Applies only to introductory standard contracts and prohibited conduct standard contracts.
Sections 152 to 155	Termination without possession claim	Section 155 (death of C-H) must be incorporated without modification.
Sections 157 to 159	Termination by L on ground of breach of contract	Section 158 (false statement inducing L to make contract) must be incorporated without modification.
Sections 160 and 161 and Part 1 of Schedule 8	Termination by L on an estate management ground	
Sections 168 to 172	Termination by notice given by C-H	

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[^{F5} Sections 173 to 175 and 177 to 180, and Part 1 of Schedule 9A]	Termination by notice given by L	[^{F6} If section 173 is not incorporated, sections 174 to 177A and Schedule 9A do not apply; but if a contract incorporates section 173, Part 1 of Schedule 9A must be incorporated without modification. Section 174A applies instead of section 174 to a contract that is within Schedule 8A, and section 175 does not apply to a contract that is within Schedule 9 (even if section 173 is incorporated).]
Sections 181 and 182	Termination by L on serious rent arrears ground	In section 182, subsection (2) is not applicable to introductory standard contracts and prohibited conduct standard contracts, and subsection (3) is applicable only to such contracts.
Section 183	Possession claims where contract has arisen at end of a fixed term standard contract	Only applies to a contract that has arisen at end of a fixed term standard contract (see section 184(2)).
Section 206	Effect of order for possession	
Section 231	Termination of contract which has joint C-Hs	
Paragraph 7 of Schedule 4	Variation of secure contract addressed in written statement of introductory standard contract	Only applies to introductory standard contracts where the written statement addresses the secure contract that may arise at the end of the introductory period, in accordance with paragraph 6(2) of Schedule 4.

Textual Amendments

- F2** Word in Sch. 1 Pt. 2 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 22(2)(a)(i)**
- F3** Words in Sch. 1 Pt. 2 table 4 inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **5(6)(b)** (as amended by S.I. 2022/906, arts. 1(2), 14)
- F4** Words in Sch. 1 Pt. 2 omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 22(2)(a)(ii)**

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- F5** Words in Sch. 1 Pt. 2 substituted (7.6.2021) by **Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), Sch. 6 para. 22(2)(b)(i)**
- F6** Words in Sch. 1 Pt. 2 substituted (7.6.2021) by **Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), Sch. 6 para. 22(2)(b)(ii)**

PART 3

FIXED TERM STANDARD CONTRACTS

Commencement Information

- I3** Sch. 1 Pt. 3 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

TABLE 5

FUNDAMENTAL PROVISION	NATURE OF PROVISION	NOTES
Section 31	Landlord (“L”) must provide contract-holder (“C-H”) with written statement of occupation contract	
Sections 39 and 40	L must provide C-H with L's name and address and other information	
Section 41	Notices and documents must be in writing	
Sections 43 and 45	Payment of deposits etc. and requirement that L uses authorised deposit scheme	Section 45 must be incorporated without modification.
Section 49	C-H may, with L's consent, add joint C-H	
Section 52	Rights of joint C-H where another joint C-H dies or otherwise leaves contract	Must be incorporated without modification.
Section 54	L must not interfere with C-H's right to occupy the dwelling	
Section 55	Anti-social behaviour and other prohibited conduct	Must be incorporated without modification.
Section 57	C-H may only deal with the occupation contract in limited ways	
Section 88	C-H may set off compensation L is liable to	

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	pay under section 87 against C-H's rent	
Sections 91 to 93 and 95 to 99	L's obligations to keep dwelling in good state of repair etc.	Not applicable to fixed term standard contracts made for a term of seven years or more.
Sections 134 to 136	When and how contract may be varied	Sections 134(1)(b) and (2) and 135 must be incorporated without modification. Section 135(2)(k) applies only if contract has a contract-holder's break clause (see section 189).
Section 145	L's right to temporarily exclude C-H from supported accommodation	Only applies to supported standard contracts (see section 143).
Sections 148 to 150	General provision about termination of contract	Sections 148 and 149 must be incorporated without modification.
Sections 152 to 155	Termination without possession claim	Section 155 (death of C-H) must be incorporated without modification (but not into fixed term standard contracts that contain the provision mentioned in section 139(1)).
Sections 157 to 159	Termination by L on ground of breach of contract	Section 158 (false statement inducing L to make contract) must be incorporated without modification.
Sections 160 and 161 and Part 1 of Schedule 8	Termination by L on an estate management ground	
Section 186	Termination by notice given by L in connection with the end of the term of the contract	[^{F7} Only applies if contract is within Schedule 9B. If contract incorporates section 186, Part 1 of Schedule 9A must be incorporated without modification.]
Sections 187 and 188	Termination by L on serious rent arrears ground	
Sections 190 to 193	Termination by notice given by C-H under contract-holder's break clause	Only apply if contract has a contract-holder's break clause.
[^{F8} Sections 195, 195A and 196, and 198 to 201, and Part 1 of Schedule 9A]	Termination by notice given by L under landlord's break clause	[^{F9} Only apply if contract has a landlord's break clause; but if a contract has a landlord's break clause, Part 1 of Schedule 9A must

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be incorporated without modification. Section 195A applies instead of section 195 to a contract that is within Schedule 8A, and section 196 does not apply to a contract that is within Schedule 9.]

Section 206	Effect of order for possession
Section 231	Termination of contract which has joint C-Hs

Textual Amendments

- F7** Words in Sch. 1 Pt. 3 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\), Sch. 6 para. 22\(3\)\(a\)](#)
- F8** Words in Sch. 1 Pt. 3 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\), Sch. 6 para. 22\(3\)\(b\)\(i\)](#)
- F9** Words in Sch. 1 Pt. 3 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\), Sch. 6 para. 22\(3\)\(b\)\(ii\)](#)

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Changes and effects yet to be applied to :

- Sch. 1 Pt. 3 words inserted by [2019 anaw 2 Sch. 3 para. 7\(b\)\(i\)](#)
- Sch. 1 Pt. 3 words inserted by [2019 anaw 2 Sch. 3 para. 7\(b\)\(ii\)](#)
- Sch. 1 Pt. 2 words substituted by [2019 anaw 2 Sch. 3 para. 7\(a\)\(i\)](#)
- Sch. 1 Pt. 2 words substituted by [2019 anaw 2 Sch. 3 para. 7\(a\)\(ii\)](#)
- Sch. 1 Pt. 3 words substituted by [2019 anaw 2 Sch. 3 para. 7\(b\)\(iii\)](#)
- 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](#)