



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 3

### PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

#### CHAPTER 2

##### PROVISION OF INFORMATION

###### *Written statement of contract*

#### **37 Incorrect statement: contract-holder's application to court**

- (1) The contract-holder under an occupation contract may apply to the court for a declaration that a written statement of the contract—
  - (a) sets out a term of the contract incorrectly or sets out a term that is of no effect,
  - (b) incorrectly states that because of section 20(1) or 21(2), a fundamental provision applicable to the contract has not been incorporated as a term of the contract,
  - (c) incorrectly states that because of section 21(2), 24(1) or 25(2) a supplementary provision applicable to the contract has not been incorporated as a term of the contract, or
  - (d) sets out a term that is not a term of the contract.
- (2) But a written statement is not incorrect merely because it does not set out a term varied in accordance with the contract or by or as a result of an enactment if—
  - (a) a written statement of the term varied was given in accordance with section 109, 128 or 136, or
  - (b) notice of the variation was given in accordance with section 104, 105(2) to (4) or 107(1)(b) and (2) to (6) (variation of secure contracts) or section 123 [F1 or 124(2) to (4)] (variation of periodic standard contracts),

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**Changes to legislation:** *Renting Homes (Wales) Act 2016, Section 37 is up to date with all changes known to be in force on or before 19 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*

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unless the statement was given under section 31(2) or (4) after any such variation of a term took effect.

- (3) The contract-holder may not apply to the court under subsection (1) before the end of the period of 14 days starting—
- (a) if the landlord was required to provide a written statement under section 31(1), with the occupation date;
  - (b) if the landlord was required to provide a written statement under section 31(2), with the day on which the landlord gave the new contract-holder the written statement;
  - (c) if the landlord was required to provide a further written statement under section 31(4) to (6), with the first day of the period mentioned in section 31(6).
- (4) If the court is satisfied that the ground in subsection (1)(a), (1)(b) or (1)(c) is made out, it may make a declaration setting out the correct term.
- (5) If the court is satisfied that the ground in subsection (1)(d) is made out, it may make a declaration that the term is not a term of the contract.
- (6) The court may—
- (a) attach a written statement of the occupation contract to its declaration, or
  - (b) order the landlord to give the contract-holder a corrected written statement of the contract.
- (7) If the court is satisfied that the written statement is incorrect as described in subsection (1) because of the intentional default of the landlord, it may order the landlord to pay the contract-holder compensation under section 87.
- (8) The compensation is payable in respect of the period, not exceeding two months, determined by the court; and the court may order the landlord to pay interest at such rate and calculated in such manner as it thinks fit.

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**Textual Amendments**

**F1** Words in s. 37(2)(b) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 5](#)

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**Commencement Information**

**II** S. 37 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

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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](#)