



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 6 **E+W**

### PROVISIONS APPLYING ONLY TO PERIODIC STANDARD CONTRACTS

#### CHAPTER 1 **E+W**

##### OVERVIEW

#### 120 Overview of Part **E+W**

This Part applies only to periodic standard contracts, and addresses—

- (a) exclusion of the contract-holder from the dwelling for specified periods,
- (b) variation of periodic standard contracts, and
- (c) withdrawal of joint contract-holders.

#### Commencement Information

**II** [S. 120](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

#### CHAPTER 2 **E+W**

##### EXCLUSION FOR SPECIFIED PERIODS

#### 121 Exclusion of contract-holder from dwelling for specified periods **E+W**

- (1) A periodic standard contract may provide that the contract-holder is not entitled to occupy the dwelling as a home for such periods as are specified in the contract.

*Status: This version of this part contains provisions that are prospective.*

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(2) The contract may specify periods for the purpose of subsection (1) by reference to any matters reasonably ascertainable by the contract-holder (as well as by reference to specified dates).

- [<sup>F1</sup>(3) The Welsh Ministers may by regulations amend this Act for the purpose of—
- (a) providing that subsection (1) does not apply in relation to periodic standard contracts of a particular description;
  - (b) providing that subsection (1) applies only in relation to periodic standard contracts of a particular description;
  - (c) changing, or imposing limits on, what may be provided for or specified in a periodic standard contract under subsection (1) or (2) (either generally or in relation to periodic standard contracts of a particular description);
  - (d) specifying circumstances (either generally or in relation to periodic standard contracts of a particular description) in which a periodic standard contract may or may not include provision under subsection (1);
  - (e) imposing requirements on a landlord in relation to the inclusion in a periodic standard contract of provision under subsection (1).]

#### Textual Amendments

**F1** S. 121(3) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 13(2), 19(3)**

#### Commencement Information

**I2** S. 121 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

## CHAPTER 3 E+W

### VARIATION OF CONTRACTS

#### Modifications etc. (not altering text)

**C1** Pt. 6 Ch. 3: power to amend conferred (1.9.2019) by [Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(anaw 2\)](#), s. 30(2), **Sch. 1 para. 11** (with s. 29); [S.I. 2019/1150](#), art. 2(c)

## 122 Variation E+W

- (1) A periodic standard contract may not be varied except—
  - (a) in accordance with sections 123 to [<sup>F2</sup>125], or
  - (b) by or as a result of an enactment.
- (2) A variation of a periodic standard contract (other than by or as a result of an enactment) must be in accordance with section 127.
- (3) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts; section 20 provides that subsections (1)(b) and (2) of this section—
  - (a) must be incorporated, and
  - (b) must not be incorporated with modifications.

*Status: This version of this part contains provisions that are prospective.*

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#### Textual Amendments

- F2** Word in s. 122(1)(a) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 9](#)

#### Commencement Information

- I3** S. 122 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### 123 Variation of rent **E+W**

- (1) The landlord may vary the rent payable under a periodic standard contract by giving the contract-holder a notice setting out a new rent to take effect on the date specified in the notice.
- (2) The period between the day on which the notice is given to the contract-holder and the specified date may not be less than two months.
- (3) Subject to that—
  - (a) the first notice may specify any date, and
  - (b) subsequent notices must specify a date which is not less than one year after the last date on which a new rent took effect.
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts under which rent is payable<sup>[F3]</sup>, except a periodic standard contract which is a housing association tenancy].

#### Textual Amendments

- F3** Words in s. 123(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\(3\)](#) (as amended by [S.I. 2022/906](#), arts. 1(2), 14)

#### Commencement Information

- I4** S. 123 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### 124 Variation of other consideration **E+W**

- (1) Where consideration other than rent is payable under a periodic standard contract, the amount of consideration may be varied—
  - (a) by agreement between the landlord and the contract-holder, or
  - (b) by the landlord in accordance with subsections (2) to (4).
- (2) The landlord may give the contract-holder a notice setting out a new amount of consideration to take effect on the date specified in the notice.
- (3) The period between the day on which the notice is given to the contract-holder and the specified date may not be less than two months.
- (4) Subject to that—
  - (a) the first notice may specify any date, and

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(b) subsequent notices must specify a date which is not less than one year after the last date on which a new amount of consideration took effect.

(5) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts under which consideration other than rent is payable.

**Commencement Information**  
I5 S. 124 in force at 1.12.2022 by S.I. 2022/906, art. 2

**125 Variation of other terms E+W**

(1) The fundamental terms, supplementary terms and additional terms of a periodic standard contract may be varied (subject to section [F4127) by agreement between the landlord and the contract-holder.]

- F5(a) .....
- F6(b) .....

(2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts<sup>F7</sup>....

**Textual Amendments**

F4 Words in s. 125(1) substituted (7.6.2021) by Renting Homes (Amendment) (Wales) Act 2021 (asc 3), ss. 12(2)(a)(i), 19(3)

F5 S. 125(1)(a) omitted (7.6.2021) by virtue of Renting Homes (Amendment) (Wales) Act 2021 (asc 3), ss. 12(2)(a)(ii), 19(3)

F6 S. 125(1)(b) omitted (7.6.2021) by virtue of Renting Homes (Amendment) (Wales) Act 2021 (asc 3), ss. 12(2)(a)(ii), 19(3)

F7 Words in s. 125(2) omitted (7.6.2021) by virtue of Renting Homes (Amendment) (Wales) Act 2021 (asc 3), ss. 12(2)(b), 19(3)

**Commencement Information**

I6 S. 125 in force at 1.12.2022 by S.I. 2022/906, art. 2

PROSPECTIVE

**F8 126 Variation by landlord of other terms: notice procedure E+W**

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**Textual Amendments**

F8 S. 126 omitted (7.6.2021) by virtue of Renting Homes (Amendment) (Wales) Act 2021 (asc 3), ss. 12(3), 19(3)

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## 127 Limitation on variation **E+W**

- (1) A fundamental term of a periodic standard contract incorporating any of the fundamental provisions to which subsection (2) applies may not be varied (except by or as a result of an enactment).
- (2) This subsection applies to the following fundamental provisions—
  - (a) section 122(1)(b) and (2) and this section,
  - (b) section 45 (requirement to use deposit scheme) <sup>F9</sup> ...,
  - (c) section 52 (joint contract-holder ceasing to be a party to the occupation contract),
  - (d) section 55 (anti-social behaviour and other prohibited conduct),
  - (e) section 148 (permissible termination),
  - (f) section 149 (possession claims),
  - (g) section 155 (death of sole contract-holder),
  - (h) section 158 (securing contract by use of false statement),
  - <sup>F10</sup>(i) .....
  - (j) paragraph 7 of Schedule 4 (variation of secure contract addressed in written statement of introductory standard contract) <sup>F11</sup>, and
  - (k) Part 1 of Schedule 9A (restrictions on giving landlord's notice under sections 173: breach of statutory obligations)].
- (3) A variation of any other fundamental term (other than by or as a result of an enactment) is of no effect—
  - (a) unless as a result of the variation—
    - (i) the fundamental provision which the term incorporates would be incorporated without modification, or
    - (ii) the fundamental provision which the term incorporates would not be incorporated or would be incorporated with modification, but <sup>F12</sup>... the effect of this would be that the position of the contract-holder is improved;
  - (b) if the variation (regardless of whether it is within paragraph (a)) would render the fundamental term incompatible with a fundamental term which incorporates a fundamental provision to which subsection (2) applies.
- (4) A variation of a term of a periodic standard contract is of no effect if it would render a term of the contract incompatible with a fundamental term (unless that fundamental term is also varied in accordance with this section in a way that would avoid the incompatibility).
- (5) Subsection (4) does not apply to a variation made by or as a result of an enactment.
- (6) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts; section 20 provides that this section—
  - (a) must be incorporated, and
  - (b) must not be incorporated with modifications.

### Textual Amendments

**F9** Words in s. 127(2)(b) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), s. 19(3), [Sch. 6 para. 10\(a\)](#)

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- F10** S. 127(2)(i) and word omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 10(b)**
- F11** S. 127(2)(k) and word inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 10(c)**
- F12** Words in s. 127(3)(a)(ii) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 5 para. 2(3)**

#### Commencement Information

- I7** S. 127 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

## 128 Written statement of variation **E+W**

- (1) If a periodic standard contract is varied in accordance with the contract or by or as a result of an enactment the landlord must, before the end of the relevant period, give the contract-holder—
- (a) a written statement of the term or terms varied, or
  - (b) a written statement of the contract as varied,
- unless the landlord has given notice of the variation in accordance with section 123 [<sup>F13</sup>or 124(2) to (4)].
- (2) The relevant period is the period of 14 days starting with the day on which the contract is varied.
- (3) The landlord may not charge a fee for providing a written statement under subsection (1).
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

#### Textual Amendments

- F13** Words in s. 128(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 11**

#### Commencement Information

- I8** S. 128 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

## 129 Failure to provide written statement etc. **E+W**

- (1) If the landlord under a periodic standard contract fails to comply with a requirement under section 128 the landlord is liable to pay the contract-holder compensation under section 87.
- (2) The compensation is payable in respect of the relevant date and every day after the relevant date until—
- (a) the day on which the landlord gives the contract-holder a written statement of the term or terms varied, or of the contract as varied, or
  - (b) if earlier, the last day of the period of two months starting with the relevant date.
- (3) Interest on the compensation is payable if the landlord fails to give the contract-holder a written statement on or before the day referred to in subsection (2)(b).

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- (4) The interest starts to run on the day referred to in subsection (2)(b) at the rate prevailing under section 6 of the Late Payment of Commercial Debts (Interest) Act 1998 (c. 20) at the end of that day.
- (5) The relevant date is the day on which the contract was varied.
- (6) Subsections (1) to (5) do not apply if the landlord's failure to comply with the requirement is attributable to an act or omission of the contract-holder.
- (7) If under section 128 the landlord gives the contract-holder a written statement of the contract as varied, sections 36 and 37 (incomplete and incorrect statements) apply to the statement as if [F14, in subsection (3) of both of those sections, for the words from “starting” to the end there were substituted “ starting with the day on which the contract was varied ”].

#### Textual Amendments

**F14** Words in s. 129(7) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 5 para. 4\(b\)](#)

#### Commencement Information

**I9** S. 129 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

## CHAPTER 4 **E+W**

### JOINT CONTRACT-HOLDERS: WITHDRAWAL

#### 130 **Withdrawal** **E+W**

- (1) A joint contract-holder under a periodic standard contract may withdraw from the contract by giving a notice (a “withdrawal notice”) to the landlord.
- (2) The withdrawal notice must specify the date on which the joint contract-holder intends to cease to be a party to the contract (the “withdrawal date”).
- (3) The joint contract-holder must give a written warning to the other joint contract-holders when he or she gives the withdrawal notice to the landlord; and a copy of the withdrawal notice must be attached to the warning.
- (4) The landlord must give a written warning to the other joint contract-holders as soon as reasonably practicable after the landlord receives the withdrawal notice; and a copy of the withdrawal notice must be attached to the warning.
- (5) The joint contract-holder ceases to be a party to the contract on the withdrawal date.
- (6) A notice given to the landlord by one or more (but not all) of the joint contract-holders that purports to be a notice under section 168 (contract-holder's notice to end contract) is to be treated as a withdrawal notice, and the date specified in the notice is to be treated as the withdrawal date.
- (7) Subsection (3) does not apply to a notice which is treated as a withdrawal notice because of subsection (6).

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(8) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.

**Commencement Information**

**I10** S. 130 in force at 1.12.2022 by S.I. 2022/906, art. 2

**131 Withdrawal: power to prescribe time limits** E+W

The Welsh Ministers must prescribe supplementary provisions specifying a minimum time period between the date on which a notice under section 130 is given to the landlord, and the date specified in the notice.

**Commencement Information**

**I11** S. 131 in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), Sch. Pt. 1

**I12** S. 131 in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, art. 2



**Status:**

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**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](#)