



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 3

### PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

## CHAPTER 8

### DEALING

#### *Transfer*

#### **69 Form of transfer**

- (1) This section applies (subject to subsection (6)) to—
  - (a) a transfer of an occupation contract by the contract-holder;
  - (b) a transfer by a joint contract-holder of his or her rights and obligations under an occupation contract.
- (2) The transfer must be signed or executed by each of the parties to the transfer.
- (3) If the contract requires the landlord's consent to the transfer, the transfer must also be signed or executed by the landlord.
- (4) But subsection (3) does not apply if the landlord is treated as having consented under section 84(6), (8) or (10).
- (5) A transfer to which this section applies is of no effect if it does not comply with subsection (2) and, if it applies, subsection (3).
- (6) This section does not apply to a transfer in accordance with a term included in the contract under section 139 or 142 (certain transfers of fixed term standard contracts).

*Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: Transfer is up to date with all changes known to be in force on or before 08 July 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*

**Commencement Information**

**II** S. 69 in force at 1.12.2022 by S.I. 2022/906, art. 2

**70 Effect of authorised transfer**

- (1) If an occupation contract is transferred by the contract-holder to a person (“P”) in accordance with the contract and section 69, on the transfer date—
  - (a) P becomes entitled to all the rights and subject to all the obligations of the contract-holder under the contract, and
  - (b) the contract-holder ceases to be entitled to any rights or subject to any obligations under the contract.
- (2) If a joint contract-holder's rights and obligations under an occupation contract are transferred to a person (“P”) in accordance with the contract and section 69, on the transfer date—
  - (a) P becomes entitled to all the rights and subject to all the obligations of the joint contract-holder under the contract, and
  - (b) the joint contract-holder ceases to be entitled to any rights or subject to any obligations under the contract.
- (3) Subsection (2)(a) is subject to any term included in the contract because of section 141(3) or 142(3) (fixed term standard contracts: transfers of joint contract-holder's interest).
- (4) Nothing in subsection (1)(b) or (2)(b) removes any right or waives any liability accruing before the transfer date.
- (5) The transfer date is the day agreed by the contract-holder and P as the day on which the transfer takes effect.

**Commencement Information**

**I2** S. 70 in force at 1.12.2022 by S.I. 2022/906, art. 2

**71 Effect of unauthorised transfer**

- (1) This section applies to—
  - (a) a transfer of an occupation contract by the contract-holder to a person (“P”) which is not in accordance with the contract, and
  - (b) a transfer by a joint contract-holder of his or her rights and obligations under an occupation contract to a person (“P”) which is not in accordance with the contract.
- (2) If the landlord accepts payments from P in respect of P's occupation of the dwelling, at a time when the landlord (or in the case of joint landlords, any one of them)—
  - (a) knows that the transfer was not made in accordance with the contract, or
  - (b) ought reasonably to know that the transfer was not made in accordance with the contract,
 the transfer becomes binding on the landlord on the day immediately after the last day of the relevant period.

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- (3) Section 70 applies as if—
- (a) the transfer was made in accordance with the contract and section 69, and
  - (b) the transfer date was the day immediately after the last day of the relevant period.
- (4) The relevant period is the period of two months starting with the day on which payments are first accepted as described in subsection (2).
- (5) Subsections (2) and (3) do not apply if before the end of the relevant period the landlord—
- (a) takes steps to end the occupation contract, or
  - (b) brings proceedings to evict P as a trespasser or otherwise shows an intention to treat P as a trespasser.
- (6) References in this section to a transfer include a purported transfer which does not comply with section 69.

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**Commencement Information**

**I3** S. 71 in force at 1.12.2022 by S.I. 2022/906, art. 2

## 72 Deeds and covenants

- (1) This section applies in relation to occupation contracts which are tenancies.
- (2) Section 52 of the Law of Property Act 1925 (c. 20) (land must be conveyed by deed) does not apply to a transfer of the contract.
- (3) The Landlord and Tenant (Covenants) Act 1995 (c. 30) does not apply to—
- (a) a transfer by a contract-holder of any of the things mentioned in section 57(1), or by a joint contract-holder of any of the things mentioned in section 57(2), or
  - (b) a transfer which under section 28(6)(b) of that Act would be treated as an assignment of the premises.

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**Commencement Information**

**I4** S. 72 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](#)