



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 6

### PROVISIONS APPLYING ONLY TO PERIODIC STANDARD CONTRACTS

#### CHAPTER 3

##### 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

- (1) A periodic standard contract may not be varied except—
  - (a) in accordance with sections 123 to <sup>F1</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.

###### Textual Amendments

- F1 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](#)

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### Commencement Information

**I1** S. 122 in force at 1.12.2022 by S.I. 2022/906, art. 2

## 123 Variation of rent

- (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>F2</sup>, except a periodic standard contract which is a housing association tenancy].

### Textual Amendments

**F2** 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

**I2** S. 123 in force at 1.12.2022 by S.I. 2022/906, art. 2

## 124 Variation of other consideration

- (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
  - (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.

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#### Commencement Information

**I3** S. 124 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

### 125 Variation of other terms

(1) The fundamental terms, supplementary terms and additional terms of a periodic standard contract may be varied (subject to section <sup>F3</sup>127) by agreement between the landlord and the contract-holder.]

<sup>F4</sup>(a) .....

<sup>F5</sup>(b) .....

(2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts<sup>F6</sup>....

#### Textual Amendments

**F3** 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)

**F4** 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)

**F5** 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)

**F6** 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

**I4** S. 125 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

PROSPECTIVE

### <sup>F7</sup>126 Variation by landlord of other terms: notice procedure

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#### Textual Amendments

**F7** S. 126 omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), [ss. 12\(3\)](#), 19(3)

### 127 Limitation on variation

(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,

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- (b) section 45 (requirement to use deposit scheme) <sup>F8</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>F9</sup>(i) .....
  - (j) paragraph 7 of Schedule 4 (variation of secure contract addressed in written statement of introductory standard contract)]<sup>F10</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>F11</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

- F8** 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\(a\)](#)
- F9** 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\(b\)](#)
- F10** 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\(c\)](#)
- F11** 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\(3\)](#)

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#### Commencement Information

**I5** S. 127 in force at 1.12.2022 by S.I. 2022/906, art. 2

### 128 Written statement of variation

- (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 [F12 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

**F12** 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

**I6** S. 128 in force at 1.12.2022 by S.I. 2022/906, art. 2

### 129 Failure to provide written statement etc.

- (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).
- (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.

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- (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 <sup>F13</sup>, 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 ”].

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**Textual Amendments**

**F13** 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\(b\)](#)

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**Commencement Information**

**I7** [S. 129](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

**Status:**

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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](#)