



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 6

### PROVISIONS APPLYING ONLY TO PERIODIC STANDARD CONTRACTS

#### CHAPTER 1

##### OVERVIEW

#### 120 Overview of Part

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

##### EXCLUSION FOR SPECIFIED PERIODS

#### 121 Exclusion of contract-holder from dwelling for specified periods

- (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

### 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>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.

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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

- (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

- (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**

- (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\(3\)](#)

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

PROSPECTIVE

**F8126 Variation by landlord of other terms: notice procedure**  
 .....

**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

- (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

- (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.

- (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

### JOINT CONTRACT-HOLDERS: WITHDRAWAL

#### 130 Withdrawal

- (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**

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](#)