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## SCHEDULE 12

### CONVERSION OF TENANCIES AND LICENCES EXISTING BEFORE COMMENCEMENT OF CHAPTER 3 OF PART 10

#### *Termination of contract by landlord*

- 25 Sections 173 to 180 (termination by landlord's notice) are not applicable to a periodic standard contract which immediately before the appointed day was an assured tenancy but not an assured shorthold tenancy.

#### Commencement Information

- II Sch. 12 para. 25 in force at 1.12.2022 by S.I. 2022/906, art. 2

[<sup>F1</sup>25A(1) This paragraph applies to a periodic standard contract which immediately before the appointed day was an assured shorthold tenancy.

(2) This Act applies as if—

- [<sup>F2</sup>(a) the reference in section 174(1) (landlord's notice: minimum notice period) to "six months" were, in relation to a notice given under section 173 during the period of six months starting with the appointed day, a reference to "two months", and]
- (b) in section 175 (landlord's notice: notice may not be given until after first six months of occupation), [<sup>F3</sup>the reference in subsection (1)] (and the heading) to "six months" [<sup>F4</sup>was a reference] to "four months" [<sup>F5</sup>, and
- (c) in section 175, for subsections (2) and (3) there were substituted—

“(2) If the converted contract is a substitute tenancy or licence, the landlord may not give notice under section 173 before the end of the period of four months starting with the day on which the contract-holder became entitled to occupy the dwelling under the original tenancy or licence.

(3) For the purposes of subsection (2)—

- (a) a converted contract was a substitute tenancy or licence if—
- (i) the occupation date of the converted contract falls immediately after the end of a preceding tenancy or licence,
- (ii) immediately before the occupation date of the converted contract a tenant or licensee under the contract was a tenant or licensee under the preceding tenancy or licence, and a landlord under the converted contract was a landlord under the preceding tenancy or licence, and
- (iii) the converted contract relates to the same (or substantially the same) dwelling as the preceding tenancy or licence, and
- (b) “original tenancy or licence” means—
- (i) where the substitute tenancy or licence has an occupation date falling immediately after the end of a tenancy or licence which is not a substitute

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- tenancy or licence, the tenancy or licence which preceded the substitute tenancy or licence;
- (ii) where there have been successive substitute tenancies or licences, the tenancy or licence which preceded the first of the substitute tenancies or licences.”]]

#### Textual Amendments

- F1** Sch. 12 para. 25A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 27(5)**
- F2** Sch. 12 para. 25A(2)(a) substituted (30.11.2022 at 11.00 p.m.) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2022 \(S.I. 2022/1258\)](#), regs. 1(2), 5
- F3** Words in Sch. 12 para. 25A(2)(b) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **15(a)(i)**
- F4** Words in Sch. 12 para. 25A(2)(b) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **15(a)(ii)**
- F5** Sch. 12 para. 25A(2)(c) and word inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **15(b)**

#### Commencement Information

- I2** Sch. 12 para. 25A in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

- [<sup>F6</sup>25B(1) This paragraph applies to a fixed term standard contract which—
- (a) immediately before the appointed day was a tenancy or licence for a fixed term, and
  - (b) is not within Schedule 9B.

[ The reference to a tenancy or licence for a fixed term in sub-paragraph (1)(a) does not  
<sup>F7</sup>(1A) include a reference to an assured tenancy that was not an assured shorthold tenancy.]

- (2) The landlord may, before or on the last day of the term for which the contract was made, give the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.
- (3) The specified date may not be less than six months after—
  - (a) the occupation date (see paragraph 31), or
  - (b) if, immediately before the appointed day, the converted contract was a substitute tenancy or licence, the day on which the contract-holder became entitled to occupy the dwelling under the original tenancy or licence.
- (4) Subject to sub-paragraph (3), the specified date—
  - (a) may not be before the last day of the term for which the converted contract was made, and
  - (b) may not be less than two months after the day on which the notice is given to the contract-holder.
- (5) For the purposes of sub-paragraph (3)—
  - (a) a converted contract was a substitute tenancy or licence if—
    - (i) the occupation date of the converted contract falls immediately after the end of a preceding tenancy or licence,

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- (ii) immediately before the occupation date of the converted contract a tenant or licensee under the contract was a tenant or licensee under the preceding tenancy or licence, and a landlord under the converted contract was a landlord under the preceding tenancy or licence, and
  - (iii) the converted contract relates to the same (or substantially the same) dwelling as the preceding tenancy or licence, and
- (b) “original tenancy or licence” means—
- (i) where the substitute tenancy or licence has an occupation date falling immediately after the end of a tenancy or licence which is not a substitute tenancy or licence, the tenancy or licence which preceded the substitute tenancy or licence;
  - (ii) where there have been successive substitute tenancies or licences, the tenancy or licence which preceded the first of the substitute tenancies or licences.
- (6) If the landlord gives the contract-holder a notice under sub-paragraph (2), the landlord may on that ground make a possession claim.
- (7) The landlord may not make a possession claim on that ground before the end of the fixed term standard contract.
- (8) Sub-paragraphs (2) to (7) are fundamental provisions which are incorporated as a term of all fixed term standard contracts to which this paragraph applies.

#### Textual Amendments

- F6** Sch. 12 paras. 25B, 25C inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 27\(6\)](#)
- F7** Sch. 12 para. 25B(1A) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), [16](#)

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

- C1** Sch. 12 para. 25B excluded (1.12.2022) by 2004 c. 34, s. 98A (as inserted by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), [28\(6\)](#))

#### Commencement Information

- I3** Sch. 12 para. 25B in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

- 25C Where paragraph 25B applies, this Act applies as if—
- (a) references to section 186 include a reference to paragraph 25B,
  - (b) references to a notice under section 186(1) include a reference to a notice under paragraph 25B(2), and
  - (c) references to the ground in section 186(5) include a reference to the ground in paragraph 25B(6).]

#### Textual Amendments

- F6** Sch. 12 paras. 25B, 25C inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 27\(6\)](#)

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#### Commencement Information

**I4** Sch. 12 para. 25C in force at 1.12.2022 by S.I. 2022/906, art. 2

[<sup>F8</sup>25D(1) This paragraph applies to a fixed term standard contract [<sup>F9</sup>(other than a tenancy or licence mentioned in paragraph 26(2) or (3))] which, immediately before the appointed day, was a tenancy or licence for a fixed term containing a landlord's break clause.

(2) This Act applies as if—

- (a) in section 194 (landlord's break clause)—
  - (i) in subsection (1), the words “which is within subsection (1A)” were omitted, and
  - (ii) subsection (1A) were omitted,
- (b) in section 195 (minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”,
- (c) in section 196 (landlord's notice: notice may not be given until after first 18 months of occupation), the reference in subsection (1) (and the heading) to “18 months” were a reference to “four months”, and
- (d) Schedule 9C were omitted.]

#### Textual Amendments

**F8** Sch. 12 para. 25D inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 27\(7\)](#)

**F9** Words in Sch. 12 para. 25D(1) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), 17

#### Commencement Information

**I5** Sch. 12 para. 25D in force at 1.12.2022 by S.I. 2022/906, art. 2

26 (1) Section 194 (landlord's break clause) does not apply to the following fixed term standard contracts (and accordingly sections 195 to 201 are not incorporated as terms of such contracts).

(2) A fixed term standard contract which immediately before the appointed day was a secure tenancy for a fixed term.

(3) A fixed term standard contract which—

- (a) immediately before the appointed day was an assured tenancy for a fixed term, and
- (b) is not an excluded contract.

(4) A contract is an excluded contract if, immediately before the appointed day, the landlord could have made a claim for possession relying on Ground 3 or 4 of Schedule 2 to the Housing Act 1988 (c. 50).

#### Commencement Information

**I6** Sch. 12 para. 26 in force at 1.12.2022 by S.I. 2022/906, art. 2

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- 27 Estate management Ground C (special accommodation: charities) applies to a converted contract as if the occupation contract was made on the appointed day.

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**Commencement Information**

**I7** Sch. 12 para. 27 in force at 1.12.2022 by S.I. 2022/906, art. 2

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