

Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: Termination of contract by landlord is up to date with all changes known to be in force on or before 18 April 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

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

^[F1]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—

- ^[F2](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), ^[F3]the reference in subsection (1)] (and the heading) to "six months" ^[F4]was a reference] to "four months" ^[F5], 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**

- [^{F6}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
^{F7}(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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I4 Sch. 12 para. 25C in force at 1.12.2022 by S.I. 2022/906, art. 2

[^{F8}25D(1) This paragraph applies to a fixed term standard contract [^{F9}(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.

Commencement Information

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

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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](#)