

Changes to legislation: Renting Homes (Wales) Act 2016, SCHEDULE 9A is up to date with all changes known to be in force on or before 10 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

[^{F1}SCHEDULE 9A

(introduced by sections 176, 186A and 197)

STANDARD CONTRACTS: RESTRICTIONS ON GIVING NOTICE UNDER SECTION 173, UNDER SECTION 186, AND UNDER A LANDLORD'S BREAK CLAUSE

Textual Amendments

F1 Sch. 9A inserted (7.6.2021) by Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), Sch. 2

PART 1

THE RESTRICTIONS

Failure to provide written statement

- 1 [This paragraph is incorporated as a term of all standard contracts which—
- ^{F2}(1) (a) are mentioned in paragraph 7(1), and
(b) incorporate section 31.]
- [^{F3}(2) A landlord may not give notice at a time when—
- (a) the contract-holder has not been given a written statement of the contract under section 31(1) (requirement to provide written statement at the start of a contract), or
(b) the landlord is aware that the identity of the contract-holder has changed, and the new contract-holder has not been given a written statement of the contract under section 31(2) (requirement to give written statement to a new contract-holder).]

Textual Amendments

- F2** Sch. 9A para. 1(1) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 9A) Regulations 2022 (S.I. 2022/143), regs. 1, 5(2)(b) (as amended by S.I. 2022/906, arts. 1(2), 8)
- F3** Sch. 9A para. 1(2): Sch. 9A para. 1 renumbered as Sch. 9A para. 1(2) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 9A) Regulations 2022 (S.I. 2022/143), regs. 1, 5(2)(a) (as amended by S.I. 2022/906, arts. 1(2), 8)

Commencement Information

- I1** Sch. 9A para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

Six month restriction following failure to provide written statement within the period specified in section 31

- 2 [This paragraph is incorporated as a term of all standard contracts which—
- ^{F4}(1) (a) are mentioned in paragraph 7(1), and
(b) incorporate section 31.]

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[A landlord who has failed to comply with section 31(1) or (2) may not give notice^{F5}(2)] during the period of six months starting with the day on which the landlord gave a written statement of the contract to the contract-holder.

Textual Amendments

- F4** Sch. 9A para. 2(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(3)(b)** (as amended by S.I. 2022/906, arts. 1(2), **8**)
- F5** Sch. 9A para. 2 renumbered as Sch. 9A para. 2(2) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(3)(a)** (as amended by S.I. 2022/906, arts. 1(2), **8**)

Commencement Information

- I2** Sch. 9A para. 2 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Failure to provide information

3 [This paragraph is incorporated as a term of all standard contracts which—
^{F6}(1) (a) are mentioned in paragraph 7(1), and
 (b) incorporate section 39.]

[A landlord may not give notice at a time when the landlord has not provided a notice^{F7}(2)] required under section 39 (duty to provide information).

Textual Amendments

- F6** Sch. 9A para. 3(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(4)(b)** (as amended by S.I. 2022/906, arts. 1(2), **8**)
- F7** Sch. 9A para. 3 renumbered as Sch. 9A para. 3(2) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(4)(a)** (as amended by S.I. 2022/906, arts. 1(2), **8**)

Commencement Information

- I3** Sch. 9A para. 3 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

^{F8}Failure to provide valid energy performance certificate

Textual Amendments

- F8** Sch. 9A para. 3A and cross-heading inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **3** (as amended by S.I. 2022/906, arts. 1(2), **8**)

3A. (1) This paragraph is incorporated as a term of all standard contracts which—
 (a) are mentioned in paragraph 7(1), and

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- (b) relate to a dwelling in relation to which regulation 6(5) of the EPB Regulations (requirement to give tenant a valid energy performance certificate) applies.
- (2) A landlord may not give notice at a time when the landlord has not complied with regulation 6(5) of the EPB Regulations.
- (3) For the purposes of this paragraph, it does not matter when the valid energy performance certificate was given (and nothing in this paragraph requires that a new energy performance certificate be given to a contract-holder when a certificate given to that contract-holder in compliance with that regulation ceases to be valid under the EPB Regulations).
- (4) In this paragraph—
- “the EPB Regulations” (“*y Rheoliadau PYA*”) means the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118);
- “valid energy performance certificate” (“*tystysgrif perfformiad ynni ddilys*”) is to be interpreted in accordance with the EPB Regulations.]

Commencement Information

I4 Sch. 9A para. 3A in force at 1.12.2022 by S.I. 2022/906, art. 2

Breach of security and deposit requirements

- 4 (1) A landlord may not give notice at a time when security required by the landlord in connection with the contract in a form not permitted by section 43 has not been returned to the person by whom it was given.
- (2) A landlord may not give a notice at a time when any of sub-paragraphs (3) to (5) apply unless—
- (a) a deposit paid in connection with the contract has been returned to the contract-holder (or any person who paid the deposit on the contract-holder's behalf) either in full or with such deduction as may have been agreed, or
- (b) an application to the county court has been made under paragraph 2 of Schedule 5 and has been determined by the county court, withdrawn, or settled by agreement between the parties.
- (3) This sub-paragraph applies if a deposit has been paid in connection with the contract but the initial requirements of an authorised deposit scheme have not been complied with.
- (4) This sub-paragraph applies if a deposit has been paid in connection with the contract but the landlord has not provided the information required by section 45(2)(b).
- (5) This sub-paragraph applies if a deposit paid in connection with the contract is not being held in accordance with an authorised deposit scheme.

[Sub-paragraph (1) is only incorporated as a term of a contract mentioned in paragraph ^{F9}(6) 7(1) which incorporates section 43.]

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Textual Amendments

F9 Sch. 9A para. 4(6) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(5)** (as amended by [S.I. 2022/906](#), arts. 1(2), **8**)

Modifications etc. (not altering text)

C1 Sch. 9A para. 4 modified (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\)](#), regs. 1(2), **8** (with reg. 19)

Commencement Information

I5 Sch. 9A para. 4 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Prohibited payments and holding deposits under the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2)

- 5 (1) A landlord may not give a notice at a time when—
- (a) a prohibited payment (within the meaning of the *Renting Homes (Fees etc.) (Wales) Act 2019*) has been made in relation to the contract as described in section 2 or 3 of that Act, and
 - (b) that prohibited payment has not been repaid.
- (2) A landlord may not give a notice at a time when—
- (a) a holding deposit (within the meaning of the *Renting Homes (Fees etc.) (Wales) Act 2019*) paid in relation to the contract has not been repaid, and
 - (b) the failure to repay the deposit amounts to a breach of the requirements of Schedule 2 to that Act.
- (3) In determining for the purposes of this paragraph whether a prohibited payment or a holding deposit has been repaid, the payment or deposit is to be treated as having been repaid to the extent (if any) that it has been applied towards either or both of the following—
- (a) a payment of rent under the contract;
 - (b) a payment required as security in respect of the contract.

Commencement Information

I6 Sch. 9A para. 5 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

^{F10}*Failure to ensure that working smoke alarms and carbon monoxide alarms are installed*

Textual Amendments

F10 Sch. 9A paras. 5A-5C and cross-heading inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **4** (as amended by [S.I. 2022/906](#), arts. 1(2), **8**)

- 5A. (1) This paragraph is incorporated as a term of all standard contracts—
- (a) which are mentioned in paragraph 7(1), and

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- (b) in relation to which regulation 5 of the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 (S.I. 2022/6 (W. 4)) (“the Fitness for Human Habitation Regulations”) applies.
- (2) A landlord may not give notice at a time when—
- (a) the dwelling is treated as unfit for human habitation by virtue of regulation 5(3) of the Fitness for Human Habitation Regulations (failure to ensure that working smoke alarms and, in certain circumstances, carbon monoxide alarms are installed in a dwelling), and
 - (b) as a result, the landlord is required under Part 4 of this Act to take steps to stop the dwelling from being treated as unfit for human habitation by virtue of that regulation.]

Commencement Information

I7 Sch. 9A para. 5A in force at 1.12.2022 by S.I. 2022/906, art. 2

^{F10}Failure to supply electrical condition report etc.

- 5B. (1) This paragraph is incorporated as a term of all standard contracts—
- (a) which are mentioned in paragraph 7(1), and
 - (b) in relation to which regulation 6 of the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 (S.I. 2022/6 (W. 4)) (“the Fitness for Human Habitation Regulations”) applies.
- (2) A landlord may not give notice at a time when—
- (a) the dwelling is treated as unfit for human habitation by virtue of regulation 6(6) of the Fitness for Human Habitation Regulations (failure to obtain an electrical condition report, or to give the contract holder such a report or written confirmation of certain other electrical work), and
 - (b) as a result, the landlord is required under Part 4 of this Act to take steps to stop the dwelling from being treated as unfit for human habitation by virtue of that regulation.]

Commencement Information

I8 Sch. 9A para. 5B in force at 1.12.2022 by S.I. 2022/906, art. 2

^{F10}Failure to provide gas safety report to contract-holder

- 5C. (1) This paragraph is incorporated as a term of all standard contracts—
- (a) which are mentioned in paragraph 7(1), and
 - (b) in relation to which regulation 36 of the Gas Safety Regulations applies.
- (2) A landlord may not give notice at a time when the landlord has not complied with regulation 36(6) or (as the case may be) (7) of the Gas Safety Regulations (requirement to provide or display report on safety etc. of gas installations).
- (3) For the purposes of sub-paragraph (2), a landlord who has not complied with regulation 36(6) or (7) of the Gas Safety Regulations is to be treated as in compliance with the provision in question at any time when—

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- (a) the landlord has ensured that the contract-holder has been given, or (as the case may be) there is displayed in a prominent position in the dwelling, a copy of a gas safety record, and
 - (b) that record is valid.
- (4) For the purposes of sub-paragraph (3), a gas safety record is valid until the end of the period within which the appliance or flue to which the record relates is required, under the Gas Safety Regulations, to again be subjected to a check for safety.
- (5) In this paragraph—
- “check for safety” (“*gwiriad diogelwch*”) means a check for safety carried out in accordance with regulation 36(3) of the Gas Safety Regulations;
 - “gas safety record” (“*cofnod diogelwch nwy*”) means a record made pursuant to the requirements of regulation 36(3)(c) of the Gas Safety Regulations;
 - “Gas Safety Regulations” (“*Rheoliadau Diogelwch Nwy*”) means the Gas Safety (Installation and Use) Regulations 1998 (S.I. 1998/2451).]

Commencement Information

I9 Sch. 9A para. 5C in force at 1.12.2022 by S.I. 2022/906, art. 2

Meaning of “notice”

- 6 In this Schedule, “notice” means notice under—
- (a) section 173 (landlord's notice under a periodic standard contract);
 - (b) section 186 (landlord's notice in connection with end of fixed term);
 - (c) a landlord's break clause in a fixed term standard contract.

Commencement Information

I10 Sch. 9A para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 2

FURTHER PROVISION

Fundamental provision

- 7 (1) Part 1 of this Schedule is a fundamental provision which is ^[F11], subject to any provision to the contrary in Part 1,] incorporated as a term of all—
- (a) periodic standard contracts which incorporate section 173 as a term of the contract,
 - (b) fixed term standard contracts which incorporate section 186 as a term of the contract, and
 - (c) fixed term standard contracts which have a landlord's break clause.
- (2) Section 20 provides that Part 1 of this Schedule—
- (a) must be incorporated, and

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(b) must not be incorporated with modifications.

Textual Amendments

F11 Words in Sch. 9A para. 7(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(6)** (as amended by S.I. 2022/906, arts. 1(2), **8**)

Commencement Information

I11 Sch. 9A para. 7 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Power to amend Schedule

8 The Welsh Ministers may by regulations amend this Schedule.]

Commencement Information

I12 Sch. 9A para. 8 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](#)