



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 7

##### TERMINATION OF FIXED TERM STANDARD CONTRACTS

###### *Landlord's break clause*

#### **196 Restrictions on use of landlord's break clause: first four months of occupation**

- (1) The landlord may not give notice under a landlord's break clause before the end of the period of four months starting with the occupation date of the contract.
- (2) If the contract is a substitute occupation contract, the landlord may not give notice under a landlord's break clause before the end of the period of four months starting with the occupation date of the original contract.
- (3) For the purposes of subsection (2)—
  - (a) an occupation contract is a substitute occupation contract if—
    - (i) the occupation date of the contract falls immediately after the end of a preceding occupation contract,
    - (ii) immediately before the occupation date of the contract a contract-holder under the contract was a contract-holder under the preceding contract and a landlord under the contract was a landlord under the preceding contract, and
    - (iii) the contract relates to the same (or substantially the same) dwelling as the preceding contract, and
  - (b) "original contract" means—

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*Status: This is the original version (as it was originally enacted).*

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- (i) where the substitute occupation contract has an occupation date falling immediately after the end of a contract which is not a substitute occupation contract, the occupation contract which precedes the substitute occupation contract;
  - (ii) where there have been successive substitute occupation contracts, the occupation contract which preceded the first of the substitute occupation contracts.
- (4) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts, except fixed term standard contracts which—
- (a) do not have a landlord's break clause, or
  - (b) are within Schedule 9 (whether or not they have a landlord's break clause),
- and section 20 provides that this section must be incorporated, and must not be incorporated with modifications.