



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 3 **E+W**

PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

CHAPTER 2 **E+W**

PROVISION OF INFORMATION

Written statement of contract

38 Incorrect statement: landlord's application to court for declaration that contract is a standard contract **E+W**

- (1) This section applies if the landlord under an occupation contract is a community landlord and has given the contract-holder—
 - (a) a notice under section 13 (notice of standard contract), but
 - (b) a written statement of the contract that is consistent with a secure contract.
- (2) The landlord may apply to the court for a declaration that the contract is a standard contract.
- (3) The court may not make the declaration if it is satisfied that, at the time the landlord gave the written statement to the contract-holder, it was the intention of the landlord that the contract should be a secure contract.
- (4) If the court makes the declaration each fundamental and supplementary provision applicable to the contract is incorporated as a term of the contract without modification, unless the contract-holder claims it was not incorporated or was incorporated with modifications.
- (5) If the contract-holder makes a claim of a kind mentioned in subsection (4), the court must determine that claim.

Changes to legislation: *Renting Homes (Wales) Act 2016, Section 38 is up to date with all changes known to be in force on or before 05 June 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*

- (6) The court may—
- (a) attach a written statement of the occupation contract to its declaration, or
 - (b) order the landlord to give the contract-holder a corrected written statement of the contract.

Commencement Information

II S. 38 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

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[View outstanding changes](#)

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](#)