



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 3

PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

CHAPTER 8

DEALING

Transfer

71 Effect of unauthorised transfer

- (1) This section applies to—
- a transfer of an occupation contract by the contract-holder to a person (“P”) which is not in accordance with the contract, and
 - a transfer by a joint contract-holder of his or her rights and obligations under an occupation contract to a person (“P”) which is not in accordance with the contract.
- (2) If the landlord accepts payments from P in respect of P's occupation of the dwelling, at a time when the landlord (or in the case of joint landlords, any one of them)—
- knows that the transfer was not made in accordance with the contract, or
 - ought reasonably to know that the transfer was not made in accordance with the contract,
- the transfer becomes binding on the landlord on the day immediately after the last day of the relevant period.
- (3) Section 70 applies as if—
- the transfer was made in accordance with the contract and section 69, and
 - the transfer date was the day immediately after the last day of the relevant period.

Changes to legislation: *Renting Homes (Wales) Act 2016, Section 71 is up to date with all changes known to be in force on or before 26 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*

- (4) The relevant period is the period of two months starting with the day on which payments are first accepted as described in subsection (2).
- (5) Subsections (2) and (3) do not apply if before the end of the relevant period the landlord—
 - (a) takes steps to end the occupation contract, or
 - (b) brings proceedings to evict P as a trespasser or otherwise shows an intention to treat P as a trespasser.
- (6) References in this section to a transfer include a purported transfer which does not comply with section 69.

Commencement Information

II [S. 71](#) 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](#)