

Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: Section 49: proposed joint contract-holder is up to date with all changes known to be in force on or before 22 May 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 6 **E+W**

REASONABLENESS OF WITHHOLDING CONSENT ETC.

PART 3 **E+W**

CIRCUMSTANCES WHICH MAY BE RELEVANT TO REASONABLENESS IN RELATION TO PARTICULAR TRANSACTIONS

Section 49: proposed joint contract-holder

- 9 (1) This paragraph applies where the contract-holder under the occupation contract seeks the landlord's consent to adding a joint contract-holder under section 49.
- (2) Where this paragraph applies, the following circumstances (in addition to those in Part 2) must be taken into account (to the extent that they are relevant)—
- (a) whether the proposed joint contract-holder is a suitable contract-holder;
 - (b) whether he or she is a member of the contract-holder's family (see section 250) and, if so, the nature of the relationship;
 - (c) whether the proposed joint contract-holder is likely to become a sole contract-holder in relation to the dwelling;
 - (d) whether he or she is likely, but for being made a joint contract-holder, to succeed to the contract under section 73.
- (3) Circumstances relevant to sub-paragraph (2)(a) may include whether the proposed joint contract-holder—
- (a) is likely to comply with the contract, and
 - (b) has complied with other occupation contracts (whether as contract-holder under those contracts or otherwise).
- (4) Circumstances relevant to sub-paragraph (2)(c) may include—
- (a) whether the landlord would have been able to refuse consent if the contract-holder requested the landlord's consent to a transfer of the contract to the proposed joint contract-holder, and
 - (b) any circumstances that would be relevant if the landlord were considering whether to make a new occupation contract in relation to the dwelling with that person.
- (5) Circumstances relevant to sub-paragraph (2)(d) may include the probable effect of giving consent as regards—
- (a) the persons who may in future be qualified to succeed to the occupation contract, and
 - (b) the period for which the occupation contract is likely to continue in force if one or more of those persons do succeed to it.

Commencement Information

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

- 10 (1) This paragraph applies where the contract-holder under the occupation contract seeks the landlord's consent to adding a joint contract-holder under section 49.

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- (2) If the landlord considers that the probable effect of giving consent is to substantially lengthen the period during which the occupation contract is likely to continue in force, it is reasonable for the landlord to impose the condition mentioned in subparagraph (3).
- (3) The condition is that the joint contract-holder is to be treated for the purposes of this Act as a priority successor or as a reserve successor in relation to the occupation contract.

Commencement Information

I2 [Sch. 6 para. 10](#) 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](#)