



Renting Homes (Amendment) (Wales) Act 2021

2021 asc 3

An Act of Senedd Cymru to make provision about security of occupation under the Renting Homes (Wales) Act 2016; to make miscellaneous provision relating to occupation contracts; and for connected purposes. [7 April 2021]

Having been passed by Senedd Cymru and having received the assent of Her Majesty, it is enacted as follows:

Landlord's notice: minimum notice periods

1 Landlord's notice under periodic standard contract: minimum notice period

- (1) The Renting Homes (Wales) Act 2016 (anaw 1) (“the 2016 Act”) is amended as follows.
- (2) In section 174 (notices under section 173: minimum notice period)—
 - (a) in subsection (1), for “two months” substitute “ six months ”;
 - (b) for subsection (2) substitute—

“(2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts, except periodic standard contracts which—

 - (a) do not incorporate section 173 as a term of the contract, or
 - (b) are within Schedule 8A (whether or not they incorporate section 173 as a term of the contract).”
- (3) After section 174, insert—

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Renting Homes (Amendment) (Wales) Act 2021. (See end of Document for details)

“174A Minimum notice period: periodic standard contracts within Schedule 8A

- (1) If a periodic standard contract is within Schedule 8A, the date specified in a notice under section 173 may not be less than two months after the day on which the notice is given to the contract-holder.
- (2) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts which—
 - (a) incorporate section 173 as a term of the contract, and
 - (b) are within Schedule 8A.”

2 Landlord's break clause under fixed term standard contract: minimum notice period

- (1) The 2016 Act is amended as follows.
- (2) In section 195 (landlord's break clause: minimum notice period)—
 - (a) in subsection (1), for “two months” substitute “ six months ”;
 - (b) for subsection (2) substitute—
 - “(2) 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 8A (whether or not they have a landlord's break clause).”
- (3) After section 195 insert—

“195A Minimum notice period: fixed term standard contracts within Schedule 8A

- (1) If a fixed term standard contract is within Schedule 8A, the date specified in a notice under a landlord's break clause may not be less than two months after the day on which the notice is given to the contract-holder.
- (2) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts which—
 - (a) have a landlord's break clause, and
 - (b) are within Schedule 8A.”

3 Standard contracts with minimum notice period of two months

Schedule 1 inserts a new Schedule 8A into the 2016 Act, setting out standard contracts which can be terminated by the landlord on giving two months' notice.

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Renting Homes (Amendment) (Wales) Act 2021. (See end of Document for details)

When landlord's notice may be given

4 Landlord's notice under periodic standard contract: when notice may be given

- (1) In section 175 of the 2016 Act (restrictions on giving notice under section 173 in first four months of occupation)—
 - (a) in subsection (1), for “four months” substitute “ six months ”;
 - (b) in subsection (2), for “four months” substitute “ six months ”.
- (2) The heading of section 175 becomes “ Restriction on section 173: notice may not be given until after the first six months of occupation ”.

5 Landlord's break clause under fixed term standard contract: when notice may be given

- (1) In section 196 of the 2016 Act (restrictions on use of landlord's break clause in first four months of occupation)—
 - (a) in subsection (1), for “four months” substitute “ 18 months ”;
 - (b) omit subsections (2) and (3).
- (2) The heading of section 196 becomes “ Restriction on use of landlord's break clause until after the first 18 months of occupation ”.

Giving and withdrawing landlord's notice

6 Restrictions on giving notice under section 173 or 186 or under a landlord's break clause: breaches of statutory obligations

- (1) The 2016 Act is amended as follows.
- (2) For section 176 (restrictions on giving notice under section 173: information requirements) substitute—

“176 Restrictions on giving notice under section 173: breaches of statutory obligations

Schedule 9A imposes restrictions on the giving of notice under section 173, related to breaches of certain statutory obligations.”

- (3) After section 186 (landlord's notice in connection with end of fixed term) insert—

“186A Restrictions on giving notice under section 186: breaches of statutory obligations

Schedule 9A imposes restrictions on the giving of notice under section 186, related to breaches of certain statutory obligations.”

- (4) For section 197 (restrictions on giving notice under a landlord's break clause: information requirements) substitute—

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Renting Homes (Amendment) (Wales) Act 2021. (See end of Document for details)

“197 Restrictions on use of landlord's break clause: breaches of statutory obligations

Schedule 9A imposes restrictions on the giving of notice under a landlord's break clause, related to breaches of certain statutory obligations.”

- (5) In the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2)—
 (a) for section 20 (restrictions on terminating contracts), substitute—

“20 Restrictions on terminating standard occupation contracts

Schedule 9A to the Renting Homes (Wales) Act 2016 (anaw 1) includes provision relating to standard occupation contracts preventing a landlord from giving a notice seeking possession of a dwelling under section 173 or 186 of that Act, or under a landlord's break clause, if the landlord has not complied with provisions of this Act relating to prohibited payments and retained holding deposits.”;

- (b) omit Schedule 3 (which provides for the insertion of sections 177A, 186A to 186C and 198A into the 2016 Act, and other related amendments to that Act).
- (6) Schedule 2 inserts a new Schedule 9A into the 2016 Act, which—
 (a) replicates the restrictions on the giving of notices seeking possession set out in sections 176 to 177A, 186A to 186C and 197 to 198A of the 2016 Act as they stood before being amended or omitted by virtue of this Act, and
 (b) includes a power to amend Schedule 9A.

7 Restrictions on giving further landlord's notices under periodic standard contract

For section 177 of the 2016 Act (restrictions on giving notice under section 173: security and deposit requirements) substitute—

“177 Restrictions on giving further notices under section 173

- (1) Subsections (2) and (3) apply where—
 (a) a landlord has given a contract-holder a notice under section 173 (“the first notice”), and
 (b) the landlord has subsequently withdrawn the notice (see section 180(3)).
- (2) The landlord may not give another notice under section 173 to the contract-holder before the end of the period of six months starting with the day on which the first notice was withdrawn, other than in accordance with subsection (3).
- (3) The landlord may give one more notice under section 173 to the contract-holder during the period of 28 days starting with the day on which the first notice was given.
- (4) Subsection (5) applies where—
 (a) a landlord has given a contract-holder a notice under section 173, and

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Renting Homes (Amendment) (Wales) Act 2021. (See end of Document for details)

- (b) the period for making a possession claim on the ground in section 178 has ended without the landlord having made a claim.
- (5) The landlord may not give another notice under section 173 to the contract-holder before the end of the period of six months starting with the last day of the period before the end of which the landlord could have made the claim (see section 179(1)(b)).
- (6) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts which incorporate section 173 as a term of the contract.”

8 Withdrawal of notice under section 173 and under a landlord's break clause

- (1) The 2016 Act is amended as follows.
- (2) In section 180 (termination of contract on landlord's notice), in subsection (3), for the words from “, before the contract ends” to the end substitute “—
 - (a) before the contract ends, and during the period of 28 days starting with the day on which the notice was given, the landlord withdraws the notice by giving further notice to the contract-holder, or
 - (b) before the contract ends, and after the end of the period of 28 days starting with day on which the notice was given—
 - (i) the landlord withdraws the notice by giving further notice to the contract-holder, and
 - (ii) the contract-holder does not object to the withdrawal in writing before the end of a reasonable period.”
- (3) In section 201 (termination of contract under landlord's break clause), in subsection (3), for the words from “, before the contract ends” to the end substitute “—
 - (a) before the contract ends, and during the period of 28 days starting with the day on which the notice was given, the landlord withdraws the notice by giving further notice to the contract-holder, or
 - (b) before the contract ends, and after the end of the period of 28 days starting with the day on which the notice was given—
 - (i) the landlord withdraws the notice by giving further notice to the contract-holder, and
 - (ii) the contract-holder does not object to the withdrawal in writing before the end of a reasonable period.”

9 Restriction on giving notice under section 173 and under landlord's break clause following retaliatory possession claim

- (1) The 2016 Act is amended as follows.
- (2) After section 177 (inserted by section 7) insert—

“177A Restriction on giving notice under section 173 following retaliatory possession claim

- (1) Subsection (2) applies where—