

ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

Renting Homes (Amendment) (Wales) Bill

[AS AMENDED AT STAGE 2]

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Renting Homes (Amendment) (Wales) Bill

[AS AMENDED AT STAGE 2]

An Act of the National Assembly for Wales 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.

Having been passed by the National Assembly for Wales 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 –

"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.

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) In the heading of section 175, for “four months” substitute “six months”.

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) In the heading of section 196, for “four months” substitute “18 months”.

*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 –

“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 Housing (Wales) Act 2014 (anaw 7), for section 44 (restrictions on terminating tenancies) substitute –

“44 Restrictions on terminating standard occupation contracts

Schedule 9A to the Renting Homes (Wales) Act 2016 (anaw 1) includes provision relating to standard occupation contracts (within the meaning of that Act) 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 –

(a) the landlord is not registered in respect of the dwelling, or

(b) the landlord is not licensed under this Part for the area in which the dwelling is located and the landlord has not appointed a person who is licensed under this Part to carry out all property management work in respect of the dwelling on the landlord's behalf.”

(6) 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).

- (7) 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, and section 44 of the Housing (Wales) Act 2014 (anaw 7), 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

- (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)).

5 (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.

10 (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

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(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

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(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 " –

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(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 –

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(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

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(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

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(1) Subsection (2) applies where –

(a) a landlord (having given a contract-holder a notice under section 173) has made a possession claim on the ground in section 178, and

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(b) the court has refused to make an order for possession because it considered the claim to be a retaliatory claim (see section 217).

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(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 court refused to make an order for possession.

(3) 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."

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(3) For section 198 of the 2016 Act (restrictions on giving notice under landlord's break clause: security and deposit requirements) substitute –

"198 Restriction on use of landlord's break clause following retaliatory possession claim

(1) Subsection (2) applies where –

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(a) a landlord (having given a contract-holder a notice under a landlord's break clause) has made a possession claim on the ground in section 199, and

(b) the court has refused to make an order for possession because it considered the claim to be a retaliatory claim (see section 217).

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(2) The landlord may not give another notice under a landlord's break clause to the contract-holder before the end of the period of six months starting with the day on which the court refused to make an order for possession.

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(3) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a landlord's break clause."

Further provision about termination of fixed term standard contracts

10 Notice in connection with end of term of fixed term standard contracts restricted to certain contracts

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(1) Section 186 of the 2016 Act (landlord's notice in connection with end of fixed term) is amended as follows –

(a) in subsection (1), after "fixed term standard contract" insert "which is within Schedule 9B";

(b) omit subsection (2);

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(c) in subsection (3), for "Subject to subsection (2), the" substitute "The";

- (d) omit subsection (4);
- (e) in subsection (8) for the words from “; subsections (2)” to the end substitute “which are within Schedule 9B.”

(2) In the heading of section 186, at the end insert “of contract within Schedule 9B”.

5 (3) Schedule 3 inserts a new Schedule 9B into the 2016 Act (after Schedule 9A, inserted by section 6), setting out fixed term standard contracts to which section 186 of that Act applies.

11 Landlord’s break clause restricted to certain fixed term standard contracts

(1) In section 194 of the 2016 Act (landlord’s break clause) –

10 (a) in subsection (1) after “fixed term standard contract” insert “which is within subsection (1A)”;

(b) after subsection (1), insert –

“(1A) A fixed term standard contract is within this subsection if –

(a) it is made for a term of two years or more, or

15 (b) it is within Schedule 9C (whether or not it is made for a term of two years or more).”

(2) Schedule 4 inserts a new Schedule 9C into the 2016 Act (after Schedule 9B, inserted by section 10), setting out fixed term standard contracts which may contain a landlord’s break clause regardless of whether they are for a term of less than two years.

20 *Variation of periodic standard contracts*

12 Landlord’s request to vary periodic standard contract terms: removal of additional notice procedure

(1) The 2016 Act is amended as follows.

(2) In section 125 (variation of contract) –

25 (a) in subsection (1) –

(i) for “127) –” substitute “127) by agreement between the landlord and the contract-holder.”;

(ii) omit paragraphs (a) and (b);

(b) in subsection (2) omit the words from “; but subsection (1)(b)” to the end.

30 (3) Omit section 126 (variation by landlord: notice procedure).

(4) In section 173 (landlord’s notice), omit subsection (3).

Temporary exclusion of contract-holder from dwelling under standard contract

13 Power to restrict right to exclude contract-holder from dwelling for specified periods

(1) The 2016 Act is amended as follows.

(2) In section 121 (exclusion of contract-holder under periodic standard contract from dwelling for specified periods), after subsection (2) insert—

“(3) The Welsh Ministers may by regulations amend this Act for the purpose of—

(a) providing that subsection (1) does not apply in relation to periodic standard contracts of a particular description;

(b) providing that subsection (1) applies only in relation to periodic standard contracts of a particular description;

(c) changing, or imposing limits on, what may be provided for or specified in a periodic standard contract under subsection (1) or (2) (either generally or in relation to periodic standard contracts of a particular description);

(d) specifying circumstances (either generally or in relation to periodic standard contracts of a particular description) in which a periodic standard contract may or may not include provision under subsection (1);

(e) imposing requirements on a landlord in relation to the inclusion in a periodic standard contract of provision under subsection (1).”

(3) In section 133 (exclusion of contract-holder under fixed term standard contract from dwelling for specified periods), after subsection (2) insert—

“(3) The Welsh Ministers may by regulations amend this Act for the purpose of—

(a) providing that subsection (1) does not apply in relation to fixed term standard contracts of a particular description;

(b) providing that subsection (1) applies only in relation to fixed term standard contracts of a particular description;

(c) changing, or imposing limits on, what may be provided for or specified in a fixed term standard contract under subsection (1) or (2) (either generally or in relation to fixed term standard contracts of a particular description);

(d) specifying circumstances (either generally or in relation to fixed term standard contracts of a particular description) in which a fixed term standard contract may or may not include provision under subsection (1);

(e) imposing requirements on a landlord in relation to the inclusion in a fixed term standard contract of provision under subsection (1)."

Miscellaneous

14 Miscellaneous amendments to the 2016 Act

Schedule 5 provides for miscellaneous amendments to the 2016 Act.

General

15 Interpretation

In this Act –

(a) “standard contract” means –

(i) a periodic standard contract under the 2016 Act;

(ii) a fixed term standard contract under that Act,

as to which, see section 8 of the 2016 Act;

(b) “the 2016 Act” means the Renting Homes (Wales) Act 2016 (anaw 1).

16 Minor and consequential amendments

Schedule 6 provides for amendments to the 2016 Act and to the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) which are minor or consequential.

17 Coming into force

(1) This section and sections 15 and 18 come into force on the day after the day on which this Act receives Royal Assent.

(2) Section 6(5) and paragraph 26 of Schedule 6 come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

(3) The remaining provisions of this Act come into force two months after the day on which this Act receives Royal Assent.

(4) An order under subsection (2) may –

(a) make transitory, transitional or saving provision;

(b) appoint different days for different purposes.

18 Short title

The short title of this Act is the Renting Homes (Amendment) (Wales) Act 2020.

SCHEDULE 1
(introduced by section 3)

NEW SCHEDULE 8A TO THE 2016 ACT

This Schedule sets out the new Schedule 8A to the 2016 Act, to be inserted after Schedule 8—

“SCHEDULE 8A
(introduced by sections 174, 174A, 195 and 195A)

STANDARD CONTRACTS WHICH CAN BE TERMINATED ON TWO
MONTHS’ NOTICE UNDER SECTION 173 OR A LANDLORD’S
BREAK CLAUSE

Prohibited conduct standard contracts

1 A prohibited conduct standard contract.

Tenancies and licences which are occupation contracts because of notice given under Part 2 of Schedule 2

2 A standard contract which would not be an occupation contract but for a notice under paragraph 3 of Schedule 2 (holiday accommodation; care institutions; temporary expedients; shared accommodation).

Accommodation for students in higher education

- 3 (1) A standard contract where—
- (a) the landlord is a higher education institution, and
 - (b) the contract-holder is pursuing, or intends to pursue, a course of study at that institution, or at another higher education institution.
- (2) “Higher education institution” means an institution in the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992 (c. 13)).

Supported accommodation

4 A supported standard contract.

Accommodation for asylum seekers, etc.

5 A standard contract made in order to provide accommodation under Part 6 of the Immigration and Asylum Act 1999 (c. 33) (support for asylum seekers, etc.).

Accommodation for displaced persons

- 6 A standard contract made under the Displaced Persons (Temporary Protection) Regulations 2005 (S.I. 2005/1379).

Accommodation for homeless persons

- 5 7 A standard contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Service occupancy

- 8 A standard contract where the contract-holder is required by his or her contract of employment to occupy the dwelling.

Service occupancy: police

- 10 9 A standard contract where—
(a) the contract-holder is a member of a police force, and
(b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996
15 (c. 16) (general regulations as to government, administration and conditions of service).

Service occupancy: fire and rescue services

- 10 10 A standard contract where—
(a) the contract-holder is an employee of a fire and rescue
20 authority,
(b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and
(c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.

Temporary accommodation: land acquired for development

- 25 11 (1) A standard contract where—
(a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been
30 acquired for development, and
(b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.
(2) "Development" has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Temporary accommodation: short-term arrangements

12 A standard contract where –

- 5 (a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,
- (b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,
- (c) the lessor is not a community landlord, and
- 10 (d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.

Temporary accommodation: accommodation during works

13 (1) A standard contract where –

- 15 (a) the dwelling (the “temporary dwelling”) has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,
- (b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the “old dwelling”), and
- 20 (c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.

(2) In this paragraph, references to the contract-holder include references to the contract-holder’s predecessor.

25 (3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under a standard contract if that person was an earlier contract-holder under the same contract.

Power to amend Schedule

14 The Welsh Ministers may by regulations amend this Schedule.”

SCHEDULE 2
(introduced by section 6)

NEW SCHEDULE 9A TO THE 2016 ACT

This Schedule sets out the new Schedule 9A to the 2016 Act, to be inserted (with the new Schedules 9B and 9C) after Schedule 9—

“SCHEDULE 9A
(introduced by sections 176, 186A and 197)

STANDARD CONTRACTS: RESTRICTIONS ON GIVING NOTICE
UNDER SECTION 173, UNDER SECTION 186, AND UNDER A
LANDLORD’S BREAK CLAUSE

PART 1

THE RESTRICTIONS

Failure to provide written statement

- 1 A landlord may not give notice at a time when the landlord has not given the contract-holder a written statement in accordance with section 31(1) or (2) (duty to provide written statement).

Six month restriction following failure to provide written statement

- 2 A landlord who has failed to comply with section 31(1) or (2) may not give notice before the end of the period of six months starting with the day on which the landlord gave a written statement of the contract to the contract-holder.

Failure to provide information

- 3 A landlord may not give notice at a time when the landlord has not provided a notice required under section 39 (duty to provide information).

Breach of security and deposit requirements

- 4 (1) A landlord may not give notice at a time when security required by the landlord in a form not permitted by section 43 has not been returned to the person by whom it was given.
- (2) A landlord may not give a notice at a time when any of subparagraphs (3) to (5) apply unless—
- (a) a deposit paid in connection with the contract has been returned to the contract-holder (or any person who paid the deposit on the contract-holder’s behalf) either in full or with such deduction as may have been agreed, or

(b) an application to the county court has been made under paragraph 2 of Schedule 5 and has been determined by the county court, withdrawn, or settled by agreement between the parties.

- 5 (3) This sub-paragraph applies if a deposit has been paid in connection with the contract but the initial requirements of an authorised deposit scheme have not been complied with.
- 10 (4) This sub-paragraph applies if a deposit has been paid in connection with the contract but the landlord has not provided the information required by section 45(2)(b).
- (5) This sub-paragraph applies if a deposit paid in connection with the contract is not being held in accordance with an authorised deposit scheme.

15 *Prohibited payments and holding deposits under the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2)*

- 5 (1) A landlord may not give a notice at a time when –
- (a) a prohibited payment (within the meaning of the Renting Homes (Fees etc.) (Wales) Act 2019) has been made in relation to the contract as described in section 2 or 3 of that Act, and
- 20 (b) that prohibited payment has not been repaid.
- (2) A landlord may not give a notice at a time when –
- (a) a holding deposit (within the meaning of the Renting Homes (Fees etc.) (Wales) Act 2019) paid in relation to the contract has not been repaid, and
- 25 (b) the failure to repay the deposit amounts to a breach of the requirements of Schedule 2 to that Act.
- (3) In determining for the purposes of this paragraph whether a prohibited payment or a holding deposit has been repaid, the payment or deposit is to be treated as having been repaid to the extent
- 30 (if any) that it has been applied towards either or both of the following –
- (a) a payment of rent under the contract;
- (b) a payment required as security in respect of the contract.

35 *Failure to register under Part 1 of the Housing (Wales) Act 2014 (anaw 7)*

- 6 (1) A landlord who is required to be registered under Part 1 of the Housing (Wales) Act 2014 may not give a notice at a time when the landlord is not registered in respect of the dwelling to which the notice would apply.

- (2) But if there has been a transfer of the landlord's interest, subparagraph (1) does not apply for the period of 28 days beginning with the day on which the interest is transferred to the landlord.

Failure to acquire licence under Part 1 of the Housing (Wales) Act 2014 (anaw 7)

5 7 (1) A landlord who is required to be licensed under Part 1 of the Housing (Wales) Act 2014 may not give a notice at a time when –

(a) the landlord is not licensed under that Part in respect of the area in which the dwelling is located (within the meaning of Part 1 of that Act), and

10 (b) the landlord has not appointed a person who is licensed under that Part to carry out all property management work (within the meaning of section 12 of that Act) in respect of the dwelling on the landlord's behalf.

- 15 (2) But if there has been a transfer of the landlord's interest, subparagraph (1) does not apply for the period of 28 days beginning with the day on which the interest is transferred to the landlord.

Meaning of "notice"

8 In this Schedule, "notice" means notice under –

20 (a) section 173 (landlord's notice under a periodic standard contract);

(b) section 186 (landlord's notice in connection with end of fixed term);

(c) a landlord's break clause in a fixed term standard contract.

PART 2

25 FURTHER PROVISION

Fundamental provision

9 (1) Part 1 of this Schedule is a fundamental provision which is incorporated as a term of all –

30 (a) periodic standard contracts which incorporate section 173 as a term of the contract,

(b) fixed term standard contracts which incorporate section 186 as a term of the contract, and

(c) fixed term standard contracts which have a landlord's break clause.

35 (2) Section 20 provides that Part 1 of this Schedule –

(a) must be incorporated, and

(b) must not be incorporated with modifications.

Power to amend Schedule

10 The Welsh Ministers may by regulations amend this Schedule.”

SCHEDULE 3
(introduced by section 10)

NEW SCHEDULE 9B TO THE 2016 ACT

This Schedule sets out the new Schedule 9B to the 2016 Act, to be inserted (with the new Schedules 9A and 9C) after Schedule 9—

“SCHEDULE 9B
(introduced by section 186)

FIXED TERM STANDARD CONTRACTS WHICH CAN BE
TERMINATED BY GIVING NOTICE UNDER SECTION 186

Tenancies and licences which are occupation contracts because of notice given under Part 2 of Schedule 2

1 A standard contract which would not be an occupation contract but for a notice under paragraph 3 of Schedule 2 (holiday accommodation; care institutions; temporary expedients; shared accommodation).

Supported accommodation

2 A supported standard contract.

Accommodation for asylum seekers, etc.

3 A standard contract made in order to provide accommodation under Part 6 of the Immigration and Asylum Act 1999 (c. 33) (support for asylum seekers, etc.).

Accommodation for displaced persons

4 A standard contract made under the Displaced Persons (Temporary Protection) Regulations 2005 (S.I. 2005/1379).

Accommodation for homeless persons

5 A standard contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Service occupancy

6 A standard contract where the contract-holder is required by his or her contract of employment to occupy the dwelling.

Service occupancy: police

7 A standard contract where—

- 5
- (a) the contract-holder is a member of a police force, and
 - (b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996 (c. 16) (general regulations as to government, administration and conditions of service).

Service occupancy: fire and rescue services

8 A standard contract where –

- 10
- (a) the contract-holder is an employee of a fire and rescue authority,
 - (b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and
 - (c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.

Temporary accommodation: land acquired for development

15 9 (1) A standard contract where –

- 20
- (a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been acquired for development, and
 - (b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.

(2) "Development" has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Temporary accommodation: short-term arrangements

25 10 A standard contract where –

- 30
- (a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,
 - (b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,
 - (c) the lessor is not a community landlord, and
 - (d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.

Temporary accommodation: accommodation during works

35 11 (1) A standard contract where –

(a) the dwelling (the “temporary dwelling”) has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,

5 (b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the “old dwelling”), and

10 (c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.

(2) In this paragraph, references to the contract-holder include references to the contract-holder’s predecessor.

15 (3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under a standard contract if that person was an earlier contract-holder under the same contract.

Power to amend Schedule

12 The Welsh Ministers may by regulations amend this Schedule.”

SCHEDULE 4
(introduced by section 11)

NEW SCHEDULE 9C TO THE 2016 ACT

This Schedule sets out the new Schedule 9C to the 2016 Act, to be inserted (with the new Schedules 9A and 9B) after Schedule 9—

“SCHEDULE 9C
(introduced by section 194)

FIXED TERM STANDARD CONTRACTS WHICH MAY CONTAIN A
LANDLORD’S BREAK CLAUSE EVEN IF MADE FOR A TERM OF
LESS THAN TWO YEARS

Tenancies and licences which are occupation contracts because of notice given under Part 2 of Schedule 2

1 A standard contract which would not be an occupation contract but for a notice under paragraph 3 of Schedule 2 (holiday accommodation; care institutions; temporary expedients; shared accommodation).

Supported accommodation

2 A supported standard contract.

Accommodation for asylum seekers, etc.

3 A standard contract made in order to provide accommodation under Part 6 of the Immigration and Asylum Act 1999 (c. 33) (support for asylum seekers, etc.).

Accommodation for displaced persons

4 A standard contract made under the Displaced Persons (Temporary Protection) Regulations 2005 (S.I. 2005/1379).

Accommodation for homeless persons

5 A standard contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Service occupancy

6 A standard contract where the contract-holder is required by his or her contract of employment to occupy the dwelling.

Service occupancy: police

7 A standard contract where –

- 5
- (a) the contract-holder is a member of a police force, and
 - (b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996 (c. 16) (general regulations as to government, administration and conditions of service).

Service occupancy: fire and rescue services

8 A standard contract where –

- 10
- (a) the contract-holder is an employee of a fire and rescue authority,
 - (b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and
 - (c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.
- 15

Temporary accommodation: land acquired for development

9 (1) A standard contract where –

- 20
- (a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been acquired for development, and
 - (b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.

25 (2) "Development" has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Temporary accommodation: short-term arrangements

10 A standard contract where –

- 30
- (a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,
 - (b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,
 - (c) the lessor is not a community landlord, and
 - (d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.
- 35

Temporary accommodation: accommodation during works

11 (1) A standard contract where –

5 (a) the dwelling (the “temporary dwelling”) has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,

(b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the “old dwelling”), and

10 (c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.

(2) In this paragraph, references to the contract-holder include references to the contract-holder’s predecessor.

15 (3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under a standard contract if that person was an earlier contract-holder under the same contract.

Power to amend Schedule

12 The Welsh Ministers may by regulations amend this Schedule.”

SCHEDULE 5
(introduced by section 14)

MISCELLANEOUS AMENDMENTS TO THE 2016 ACT

Introductory

5 1 The 2016 Act is amended as follows.

Modification and variation of fundamental provisions

- 2 (1) In section 20 (incorporation and modification of fundamental provisions)—
- (a) in subsection (1), in paragraph (b) omit “in the contract-holder’s opinion,”;
 - (b) in subsection (2), in paragraph (b), omit “in the contract-holder’s opinion”.
- 10 (2) In section 108 (limitation on variation: secure contracts), in subsection (3), in paragraph (a)(ii) omit “in the contract-holder’s opinion”.
- (3) In section 127 (limitation on variation: periodic standard contracts), in subsection (3), in paragraph (a)(ii) omit “in the contract-holder’s opinion”.
- 15 (4) In section 135 (limitation on variation: fixed term standard contracts), in subsection (3), in paragraph (a)(ii) omit “in the contract-holder’s opinion”.

Amendment of references to “the relevant date” in sections 110, 129 and 137

- 3 In subsection (7) of each of—
- (a) section 110 (secure contracts: failure to provide written statement etc.),
 - (b) section 129 (periodic standard contracts: failure to provide written statement etc.),
 - 20 and
 - (c) section 137 (fixed term standard contracts: failure to provide written statement etc.),
- for the words from “references” to the end substitute “, in subsection (3) of both of those sections, for the words from “starting” to the end there were substituted “starting with the day on which the contract was varied””.
- 25

Secure tenancies that are housing association tenancies to be capable of becoming occupation contracts

- 4 (1) In section 242 (interpretation of Chapter 3 of Part 10), in the definition of “secure tenancy”, omit the words from “, but it does not include a housing association tenancy” to the end.
- 30 (2) In Schedule 2 (exceptions to section 7), in paragraph 7 (tenancies and licences that are never occupation contracts), omit sub-paragraph (3)(d).

Power to make provision relating to the abolition of assured, secure and other tenancies

- 5 (1) After section 239 (abolition of assured, secure and other tenancies) insert—

“239A Power to make provision about certain tenancies and licences

(1) The Welsh Ministers may by regulations amend this Act for the purpose of—

- (a) providing that certain provisions do not apply in relation to a tenancy or licence to which subsection (2) applies;
- (b) making new provision which only applies to a tenancy or licence to which subsection (2) applies;
- (c) making provision in relation to the end of the term of a long tenancy (within the meaning of paragraph 8 of Schedule 2).

(2) This subsection applies to any tenancy or licence which would, but for section 239, have been a tenancy or licence of the kind listed in subsection (1) of that section, or would have been treated as a tenancy or licence of that kind.

(3) Regulations under this section may make provision about tenancies or licences which are not, and cannot be, occupation contracts.”

(2) In section 256 (regulations), in subsection (4), after paragraph (g) insert—

“(ga) section 239A (power to make provision about certain tenancies and licences),”.

Dwellings on border between Wales and England

In section 246 (meaning of “dwelling”), in subsection (1) omit “wholly”.

Power to amend legislation enacted or made after the 2016 Act received Royal Assent

In section 255 (power to make consequential etc. provision), in subsection (2) omit the words from “enacted or made” to the end.

Minor amendments to the Welsh text

(1) In section 61 (failure to comply with conditions imposed by head landlord), in the Welsh language text, in subsection (5) for “wedi ei wneud yn” substitute “wedi ei wneud mewn modd nad yw’n”.

(2) In section 163 (contract-holder’s notice), in the Welsh language text, in subsection (2) for “meddiannaeth” substitute “diogel”.

(3) In section 165 (recovery of possession), in the Welsh language text, in subsection (3) for “meddiannaeth” substitute “diogel”.

(4) In section 236 (form of notices, statements and other documents), in the Welsh language text, in subsection (5) for “wedi ei ddilysu” substitute “ardystiedig”.

(5) In Schedule 11 (suitable alternative accommodation), in the Welsh language text, in paragraph 3, in sub-paragraph (2)(a), for “diogelwch meddiant iddo” substitute “sicrwydd iddo o ran meddiannaeth”.

SCHEDULE 6
(introduced by section 16)

MINOR AND CONSEQUENTIAL AMENDMENTS

The 2016 Act

- 5 1 The 2016 Act is amended as follows.
- 2 In section 20 (incorporation and modification of fundamental provisions), in subsection (3) –
- (a) omit paragraphs (k) to (o), and the “and” which follows paragraph (o);
- (b) after paragraph (p), insert “, and
- 10 (q) Part 1 of Schedule 9A (restrictions on giving notice under sections 173 and 186 and under a landlord’s break clause).”
- 3 In section 34 (failure to provide written statement), after subsection (5) insert –
- “(6) Paragraphs 1 and 2 of Schedule 9A make provision relating to periodic standard contracts, and fixed term standard contracts which incorporate section 186 or which have a landlord’s break clause, preventing a landlord from giving a notice (under section 173 or 186 or under a landlord’s break clause) requiring a contract-holder to give up possession if the landlord has not complied with section 31(1) or (2).”
- 15 4 In section 37 (incorrect statement: contract-holder’s application to court), in subsection (2), in paragraph (b) for “, 124(2) to (4) or 126(1) to (4)” substitute “or 124(2) to (4)”.
- 5 In section 39 (provision by landlord of information about landlord), for subsection (4) substitute –
- 25 “(4) Paragraph 3 of Schedule 9A makes provision relating to periodic standard contracts, and fixed term standard contracts which incorporate section 186 or which have a landlord’s break clause, preventing a landlord from giving a notice (under section 173 or 186 or under a landlord’s break clause) requiring a contract-holder to give up possession if the landlord has not provided a notice required under this section.
- 30 (5) Subsections (1) to (3) of this section are fundamental provisions which are incorporated as a term of all occupation contracts.”
- 6 In section 46 (deposit schemes: further provision), in subsection (2) for the words from “Sections 177 and 198 make” to “giving a notice” substitute “Paragraph 4 of Schedule 9A makes provision relating to periodic standard contracts, and fixed term standard contracts which incorporate section 186 or which have a landlord’s break clause, preventing a landlord from giving a notice (under section 173 or 186 or under a landlord’s break clause)”.
- 35 7 In section 65 (extended possession order against sub-holder), in subsection (3), in paragraph (a) for the words from “copy” to “that section” substitute “notice in accordance with section 64(2)”.
- 40

- 8 In section 122 (variation), in subsection (1), in paragraph (a) for “126” substitute “125”.
- 9 In section 127 (limitation on variation: periodic standard contracts), in subsection (2) –
- (a) in paragraph (b) omit “and section 177 (breach of deposit requirements)”;
 - (b) omit paragraph (i), and the “and” which follows it;
 - 5 (c) after paragraph (j) insert “, and
 - (k) Part 1 of Schedule 9A (restrictions on giving landlord’s notice under sections 173: breach of statutory obligations)”.
- 10 In section 128 (written statement of variation), in subsection (1) for “, 124(2) to (4) or 126(1) to (4)” substitute “or 124(2) to (4)”.
- 10 11 In section 135 (limitation on variation: fixed term standard contracts) –
- (a) in subsection (2) –
 - (i) omit paragraphs (i) and (j) (but not the “and” which follows paragraph (j));
 - (ii) for paragraph (k) substitute –
 - 15 “(k) Part 1 of Schedule 9A (restrictions on giving notice under section 186 and under a landlord’s break clause: breach of statutory obligations).”;
 - (b) in subsection (6) omit the words from “, but subsection (2)(k)” to “break clause”.
- 12 In section 147 (overview of Part 9), in table 1, in the right hand column of the entry for Chapter 1, for “section 161” substitute “section 160”.
- 20 13 In section 150 (possession notices), in subsection (1) –
- (a) after “contract-holder” insert “under any of the following sections”;
 - (b) at the end insert “ –
 - (a) section 159 (in relation to a breach of contract by a contract-holder);
 - 25 (b) section 161 (in relation to estate management grounds);
 - (c) section 166, 171 or 192 (in relation to a contract-holder’s notice);
 - (d) section 182 or 188 (in relation to serious rent arrears under a standard contract).”
- 14 In section 175 (restriction on giving notice under section 173 in first four months of occupation), in subsection (4) omit the words from “and section 20” to the end.
- 30 15 In section 181 (serious rent arrears), in subsection (1), for “in serious rent arrears” substitute “seriously in arrears with his or her rent”.
- 16 In section 183 (relevance of events under fixed term standard contract to periodic standard contract arising at end of fixed term) –
- 35 (a) in subsection (1) –
 - (i) omit the “or” after paragraph (a);

(ii) after paragraph (b) insert “or

(c) a notice under a landlord’s break clause,”;

(b) for subsection (2) substitute –

“(2) Sections 179 and 180 –

(a) apply to a notice under section 186(1) as they apply to a notice under section 173, and

(b) apply to a possession claim made on the ground in section 186(5) in reliance on such a notice as they apply to a possession claim made on the ground in section 178 in reliance on a notice under section 173.”

17 In section 196 (restrictions on use of landlord’s break clause in first four months of occupation), in subsection (4) omit the words from “and section 20” to the end.

18 In section 204 (possession claims), in subsection (1), in paragraph (a) –

(a) for “following sections” substitute “following provisions”;

(b) omit sub-paragraph (i);

(c) in sub-paragraph (vi), for “four”, substitute “six”;

(d) in sub-paragraph (vii), for “176 , 177” substitute “177, 177A”;

(e) in sub-paragraph (xii), for “four”, substitute “18”;

(f) in sub-paragraph (xiii), omit “197,”;

(g) after sub-paragraph (xiv) (and before the “or” that follows it) insert –

“(xv) Schedule 9A (restrictions on giving notice under sections 173 and 186 and under a landlord’s break clause: breach of statutory obligations),”.

19 In section 253 (index of terms), in table 2, in the right hand column of the entry for “possession notice”, for “section 150” substitute “sections 159, 161, 166, 171, 182, 188 and 192 (and see also section 150)”.

20 In section 256 (regulations), in subsection (4) –

(a) after paragraph (d) insert –

“(da) section 121 (power to amend Act in relation to power under periodic standard contract to exclude contract-holder from dwelling for specified periods),

(db) section 133 (power to amend Act in relation to power under fixed term standard contract to exclude contract-holder from dwelling for specified periods),”;

(b) after paragraph (l) insert –

“(la) paragraph 14 of Schedule 8A (power to amend that Schedule),”;

(c) after paragraph (m) (and before the “and” that follows it) insert –

“(ma) paragraph 10 of Schedule 9A (power to amend that Schedule),

- (mb) paragraph 12 of Schedule 9B (power to amend that Schedule),
- (mc) paragraph 12 of Schedule 9C (power to amend that Schedule),”.

- 21 (1) Schedule 1 (overview of fundamental provisions incorporated as terms of occupation
5 contracts) is amended as follows.
- (2) In Part 2 (periodic standard contracts), in table 4 –
- (a) in the entry for sections 122 to 128, in the third column (notes) –
 - (i) for “122(1)(a)” substitute “122(1)(b)”, and
 - (ii) omit the words from “Sections 125(1)(b) and 126 are not incorporated” to
10 the end;
 - (b) in the entry for sections 173 to 180 –
 - (i) for the text in the first column (fundamental provision) substitute “Sections
173 to 175 and 177 to 180, and Part 1 of Schedule 9A”;
 - (ii) for the text in the third column (notes) substitute “If section 173 is not
15 incorporated, sections 174 to 177A and Schedule 9A do not apply; but if a
contract incorporates section 173, Part 1 of Schedule 9A must be
incorporated without modification. Section 174A applies instead of section
174 to a contract that is within Schedule 8A, and section 175 does not apply
to a contract that is within Schedule 9 (even if section 173 is incorporated).”
- 20 (3) In Part 3 (fixed term standard contracts), in table 5 –
- (a) in the entry for section 186, for the text in the third column (notes) substitute
“Only applies if contract is within Schedule 9B. If contract incorporates section
186, Part 1 of Schedule 9A must be incorporated without modification.”;
 - (b) in the entry for sections 195 to 201 –
 - (i) for the text in the first column (fundamental provision) substitute “Sections
25 195, 195A and 196, and 198 to 201, and Part 1 of Schedule 9A”;
 - (ii) for the text in the third column (notes) substitute “Only apply if contract
has a landlord’s break clause; but if a contract has a landlord’s break clause,
Part 1 of Schedule 9A must be incorporated without modification. Section
30 195A applies instead of section 195 to a contract that is within Schedule 8A,
and section 196 does not apply to a contract that is within Schedule 9.”
- 22 In Schedule 3 (occupation contracts made with or adopted by community landlords
which may be standard contracts), in paragraph 4, and in the cross-heading which
precedes it, after “seekers” insert “, etc.”.
- 35 23 In Schedule 7 (prohibited conduct standard contracts), in paragraph 2, in sub-paragraph
(8) for “four” substitute “six”.
- 24 (1) Schedule 9 (standard contracts to which limits in sections 175, 186(2) and 196 do not
apply) is amended as follows.

(2) In paragraph 3 for “standard contract which relates to supported accommodation” substitute “supported standard contract”.

(3) In paragraph 4, and in the cross-heading which precedes it, after “seekers” insert “, etc.”.

(4) In the heading –

(a) omit “, 186(2)”;

(b) for “(LANDLORD’S NOTICE DURING FIRST SIX MONTHS OF OCCUPATION)” substitute “(WHEN LANDLORD’S NOTICE MAY BE GIVEN)”.

(5) In the words of introduction omit “, 186”.

(1) Schedule 12 (conversion of tenancies and licences existing before commencement of Chapter 3 of Part 10 of the 2016 Act) is amended as follows.

(2) In paragraph 23 (introductory standard contracts), in sub-paragraph (3) after “as if” insert “ –

(a) in section 174 (landlord’s notice: minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”,

(b) in section 175 (landlord’s notice: notice may not be given in first six months of occupation), the references in subsections (1) and (2) (and the heading) to “six months” were references to “four months”, and

(c) ”.

(3) After paragraph 25 (termination of contract by landlord) insert –

“25A(1) This paragraph applies to a periodic standard contract which immediately before the appointed day was an assured shorthold tenancy.

(2) This Act applies as if –

(a) in section 174 (landlord’s notice: minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”, and

(b) in section 175 (landlord’s notice: notice may not be given in first six months of occupation), the references in subsections (1) and (2) (and the heading) to “six months” were references to “four months”.”

(4) After paragraph 25A (inserted by sub-paragraph (3)) insert –

“25B(1) This paragraph applies to a fixed term standard contract which –

(a) immediately before the appointed day was a tenancy or licence for a fixed term, and

(b) is not within Schedule 9B.

- (2) The landlord may, before or on the last day of the term for which the contract was made, give the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.
- (3) The specified date may not be less than six months after –
- 5 (a) the occupation date (see paragraph 31), or
- (b) if, immediately before the appointed day, the converted contract was a substitute tenancy or licence, the day on which the contract-holder became entitled to occupy the dwelling under the original tenancy or licence.
- 10 (4) Subject to sub-paragraph (3), the specified date –
- (a) may not be before the last day of the term for which the converted contract was made, and
- (b) may not be less than two months after the day on which the notice is given to the contract-holder.
- 15 (5) For the purposes of sub-paragraph (3) –
- (a) a converted contract was a substitute tenancy or licence if –
- (i) the occupation date of the converted contract falls immediately after the end of a preceding tenancy or licence,
- 20 (ii) immediately before the occupation date of the converted contract a tenant or licensee under the contract was a tenant or licensee under the preceding tenancy or licence, and a landlord under the converted contract was a landlord under the preceding tenancy or licence, and
- 25 (iii) the converted contract relates to the same (or substantially the same) dwelling as the preceding tenancy or licence, and
- (b) “original tenancy or licence” means –
- 30 (i) where the substitute tenancy or licence has an occupation date falling immediately after the end of a tenancy or licence which is not a substitute tenancy or licence, the tenancy or licence which preceded the substitute tenancy or licence;

- (ii) where there have been successive substitute tenancies or licences, the tenancy or licence which preceded the first of the substitute tenancies or licences.

(6) If the landlord gives the contract-holder a notice under sub-paragraph (2), the landlord may on that ground make a possession claim.

(7) The landlord may not make a possession claim on that ground before the end of the fixed term standard contract.

(8) Sub-paragraphs (2) to (7) are fundamental provisions which are incorporated as a term of all fixed term standard contracts to which this paragraph applies.

25C Where paragraph 25B applies, this Act applies as if—

(a) references to section 186 include a reference to paragraph 25B,

(b) references to a notice under section 186(1) include a reference to a notice under paragraph 25B(2), and

(c) references to the ground in section 186(5) include a reference to the ground in paragraph 25B(6)."

(5) After paragraph 25C (inserted by sub-paragraph (4)) insert—

"25D(1) This paragraph applies to a fixed term standard contract which, immediately before the appointed day, was a tenancy or licence for a fixed term containing a landlord's break clause.

(2) This Act applies as if—

(a) in section 194 (landlord's break clause)—

(i) in subsection (1), the words "which is within subsection (1A)" were omitted, and

(ii) subsection (1A) were omitted,

(b) in section 195 (minimum notice period), the reference in subsection (1) to "six months" were a reference to "two months",

(c) in section 196 (landlord's notice: notice may not be given in first 18 months of occupation), the reference in subsection (1) (and the heading) to "18 months" were a reference to "four months", and

(d) Schedule 9C were omitted."

Renting Homes (Fees etc.) (Wales) Act 2019

26 (1) The Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) is amended as follows.

- (2) In section 6 (application of sections 2 to 5 of that Act to pre-existing requirements and contracts), omit paragraph (b).
- (3) Omit section 25 (assured tenancies).