



# Localism Act 2011

## 2011 CHAPTER 20

### PART 7

#### HOUSING

### CHAPTER 2

#### SOCIAL HOUSING: TENURE REFORM

##### *Other provisions relating to tenancies of social housing*

#### **161 Succession to assured tenancies**

- (1) Section 17 of the Housing Act 1988 (succession to assured periodic tenancy by spouse) is amended as follows.
- (2) In the heading for “assured periodic tenancy by spouse” substitute “assured tenancy”.
- (3) In subsection (1)—
  - (a) at the beginning insert “ Subject to subsection (1D), ”, and
  - (b) omit paragraph (c).
- (4) After that subsection insert—

“(1A) Subject to subsection (1D), in any case where—

  - (a) there is an assured periodic tenancy of a dwelling-house in England under which—
    - (i) the landlord is a private registered provider of social housing, and
    - (ii) the tenant is a sole tenant,
  - (b) the tenant under the tenancy dies,

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*Changes to legislation: Localism Act 2011, Section 161 is up to date with all changes known to be in force on or before 24 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*

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- (c) immediately before the death, the dwelling-house was not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
  - (d) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
  - (e) there is a person whose succession is in accordance with that term,
- then, on the death, the tenancy vests by virtue of this section in that person (and, accordingly, does not devolve under the tenant's will or intestacy).
- (1B) Subject to subsection (1D), in any case where—
- (a) there is an assured tenancy of a dwelling-house in England for a fixed term of not less than two years under which—
    - (i) the landlord is a private registered provider of social housing, and
    - (ii) the tenant is a sole tenant,
  - (b) the tenant under the tenancy dies, and
  - (c) immediately before the death, the tenant's spouse or civil partner was occupying the dwelling-house as his or her only or principal home,
- then, on the death, the tenancy vests by virtue of this section in the spouse or civil partner (and, accordingly, does not devolve under the tenant's will or intestacy).
- (1C) Subject to subsection (1D), in any case where—
- (a) there is an assured tenancy of a dwelling-house in England for a fixed term of not less than two years under which—
    - (i) the landlord is a private registered provider of social housing, and
    - (ii) the tenant is a sole tenant,
  - (b) the tenant under the tenancy dies,
  - (c) immediately before the death, the dwelling-house was not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
  - (d) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
  - (e) there is a person whose succession is in accordance with that term,
- then, on the death, the tenancy vests by virtue of this section in that person (and accordingly does not devolve under the tenant's will or intestacy).
- (1D) Subsection (1), (1A), (1B) or (1C) does not apply if the tenant was himself a successor as defined in subsection (2) or subsection (3).
- (1E) In such a case, on the death, the tenancy vests by virtue of this section in a person (“P”) (and, accordingly, does not devolve under the tenant's will or intestacy) if, and only if—
- (a) (in a case within subsection (1)) the tenancy is of a dwelling-house in England under which the landlord is a private registered provider of social housing,
  - (b) an express term of the tenancy makes provision for a person to succeed a successor to the tenancy, and

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- (c) P's succession is in accordance with that term.”
- (5) In subsection (5) after “(1)(b)” insert “ or (1B)(c) ”.
- (6) After subsection (5) insert—
- “(6) If, on the death of the tenant, there is more than one person in whom the tenancy would otherwise vest by virtue of subsection (1A), (1C) or (1E), the tenancy vests in such one of them as may be agreed between them or, in default of agreement, as is determined by the county court.
- (7) This section does not apply to a fixed term assured tenancy that is a lease of a dwelling-house—
- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or
- (b) under which the lessee (or the lessee's personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house.”
- (7) The amendments made by this section do not apply in relation to an assured tenancy that—
- (a) was granted before the day on which this section comes into force, or
- (b) came into being by virtue of section 5 of the Housing Act 1988 (periodic tenancy arising on termination of fixed term) on the coming to an end of an assured shorthold tenancy within paragraph (a).

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**Commencement Information**

**II** S. 161 in force at 1.4.2012 by S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)

**Changes to legislation:**

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**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. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)