



Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER I

ASSURED TENANCIES

Miscellaneous

17 Succession to assured periodic tenancy by spouse

- (1) In any case where—
- (a) the sole tenant under an assured periodic tenancy dies, and
 - (b) immediately before the death, the tenant's spouse was occupying the dwelling-house as his or her only or principal home, and
 - (c) the tenant was not himself a successor, as defined in subsection (2) or subsection (3) below,
- then, on the death, the tenancy vests by virtue of this section in the spouse (and, accordingly, does not devolve under the tenant's will or intestacy).
- (2) For the purposes of this section, a tenant is a successor in relation to a tenancy if—
- (a) the tenancy became vested in him either by virtue of this section or under the will or intestacy of a previous tenant; or
 - (b) at some time before the tenant's death the tenancy was a joint tenancy held by himself and one or more other persons and, prior to his death, he became the sole tenant by survivorship; or
 - (c) he became entitled to the tenancy as mentioned in section 39(5) below.

Status: This is the original version (as it was originally enacted).

- (3) For the purposes of this section, a tenant is also a successor in relation to a tenancy (in this subsection referred to as “the new tenancy”) which was granted to him (alone or jointly with others) if—
- (a) at some time before the grant of the new tenancy, he was, by virtue of subsection (2) above, a successor in relation to an earlier tenancy of the same or substantially the same dwelling-house as is let under the new tenancy; and
 - (b) at all times since he became such a successor he has been a tenant (alone or jointly with others) of the dwelling-house which is let under the new tenancy or of a dwelling-house which is substantially the same as that dwelling-house.
- (4) For the purposes of this section, a person who was living with the tenant as his or her wife or husband shall be treated as the tenant’s spouse.
- (5) If, on the death of the tenant, there is, by virtue of subsection (4) above, more than one person who fulfils the condition in subsection (1)(b) above, such one of them as may be decided by agreement or, in default of agreement, by the county court shall be treated as the tenant’s spouse for the purposes of this section.

18 Provisions as to reversions on assured tenancies

- (1) If at any time—
- (a) a dwelling-house is for the time being lawfully let on an assured tenancy, and
 - (b) the landlord under the assured tenancy is himself a tenant under a superior tenancy; and
 - (c) the superior tenancy comes to an end,
- then, subject to subsection (2) below, the assured tenancy shall continue in existence as a tenancy held of the person whose interest would, apart from the continuance of the assured tenancy, entitle him to actual possession of the dwelling-house at that time.
- (2) Subsection (1) above does not apply to an assured tenancy if the interest which, by virtue of that subsection, would become that of the landlord, is such that, by virtue of Schedule 1 to this Act, the tenancy could not be an assured tenancy.
- (3) Where, by virtue of any provision of this Part of this Act, an assured tenancy which is a periodic tenancy (including a statutory periodic tenancy) continues beyond the beginning of a reversionary tenancy which was granted (whether before, on or after the commencement of this Act) so as to begin on or after—
- (a) the date on which the previous contractual assured tenancy came to an end, or
 - (b) a date on which, apart from any provision of this Part, the periodic tenancy could have been brought to an end by the landlord by notice to quit,
- the reversionary tenancy shall have effect as if it had been granted subject to the periodic tenancy.
- (4) The reference in subsection (3) above to the previous contractual assured tenancy applies only where the periodic tenancy referred to in that subsection is a statutory periodic tenancy and is a reference to the fixed-term tenancy which immediately preceded the statutory periodic tenancy.

19 Restriction on levy of distress for rent

- (1) Subject to subsection (2) below, no distress for the rent of any dwelling-house let on an assured tenancy shall be levied except with the leave of the county court; and, with

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respect to any application for such leave, the court shall have the same powers with respect to adjournment, stay, suspension, postponement and otherwise as are conferred by section 9 above in relation to proceedings for possession of such a dwelling-house.

- (2) Nothing in subsection (1) above applies to distress levied under section 102 of the County Courts Act 1984.