Changes to legislation: *Housing Act 1988, Cross Heading: Ground 7 is up to date with all changes known to be in force on or before 06 August 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*

SCHEDULES

SCHEDULE 2

GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET ON ASSURED TENANCIES

PART I

GROUNDS ON WHICH COURT MUST ORDER POSSESSION

Ground 7

The tenancy is a periodic tenancy (including a statutory periodic tenancy)**[**[F1], or a fixed term tenancy of a dwelling-house in England,**]** which has devolved under the will or intestacy of the former tenant and the proceedings for the recovery of possession are begun not later than twelve months after the death of the former tenant or, if the court so directs, after the date on which, in the opinion of the court, the landlord or, in the case of joint landlords, any one of them became aware of the former tenant's death.

Textual Amendments

F1 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(a)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

For the purposes of this ground, the acceptance by the landlord of rent from a new tenant after the death of the former tenant shall not be regarded as creating a new [F2]... tenancy, unless the landlord agrees in writing to a change (as compared with the tenancy before the death) in the amount of the rent, the period **[**[F3] or length of term**]**of the tenancy, the premises which are let or any other term of the tenancy.

Textual Amendments

F2 Word in Sch. 2 Pt. I Ground 7 repealed (1.4.2012) by Localism Act 2011 (c. 20), ss. 162(5)(b)(i), 240(2), **Sch. 25 Pt. 23**; S.I. 2012/628, art. 6(b) (with arts. 911141517)

F3 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(b)(ii)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

[[F4]This ground does not apply to a fixed term 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.**]**

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Textual Amendments

F4 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(c)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

Textual Amendments

F1 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(a)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

F2 Word in Sch. 2 Pt. I Ground 7 repealed (1.4.2012) by Localism Act 2011 (c. 20), ss. 162(5)(b)(i), 240(2), **Sch. 25 Pt. 23**; S.I. 2012/628, art. 6(b) (with arts. 911141517)

F3 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(b)(ii)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

F4 Words in Sch. 2 Pt. I Ground 7 inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 162(5)(c)**, 240(2); S.I. 2012/628, art. 6(b) (with arts. 911141517)

Changes to legislation:
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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:

– Act savings and transitional provisions for amendments by S.I. 2022/1166 by S.I. 2022/1172 Regulations