

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Housing and Planning Act 2016, Paragraph 11 is up to date with all changes known to be in force on or before 23 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

SCHEDULES

PROSPECTIVE

SCHEDULE 7

SECURE TENANCIES ETC: PHASING OUT OF TENANCIES FOR LIFE

Housing Act 1985 (c. 68)

11 After section 86 insert—

“English secure tenancies: review, renewal and possession

86A English tenancies: review to determine what to do at end of fixed term

- (1) The landlord under a fixed term secure tenancy of a dwelling-house in England must carry out a review to decide what to do at the end of the term, unless one of the following exceptions applies.
- (2) Exception 1 is where the tenancy is an old-style secure tenancy.
- (3) Exception 2 is where the tenancy is a flexible tenancy the term of which ends within the period of 9 months beginning with the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.
- (4) A review under this section must be carried out while the term has 6 to 9 months left to run.
- (5) On a review under this section the landlord must decide which of the following options to take.

Option 1:	offer to grant a new secure tenancy of the dwelling-house at the end of the current tenancy.
Option 2:	seek possession of the dwelling house at the end of the current tenancy but offer to grant a secure tenancy of another dwelling-house instead.
Option 3:	seek possession of the dwelling-house at the end of the current tenancy without offering to grant a secure tenancy of another dwelling-house.

- (6) The landlord must also—
 - (a) offer the tenant advice on buying a home if the landlord considers that to be a realistic option for the tenant, and

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- (b) in appropriate cases, offer the tenant advice on other housing options.

86B Notification of outcome of review under section 86A

- (1) On completing a review under section 86A the landlord must notify the tenant in writing of the outcome of the review.
- (2) The notice must be given by no later than 6 months before the end of the term of the current tenancy.
- (3) The notice must state which of the options mentioned in section 86A the landlord has decided to take.
- (4) If the landlord has decided to seek possession of the dwelling-house at the end of the secure tenancy the notice must also—
 - (a) inform the tenant of the right under section 86C to request the landlord to reconsider, and
 - (b) specify the time limit for making a request under that section.
- (5) If the notice states that the landlord has decided to offer a new tenancy and the tenant accepts in writing before the end of the current tenancy, the landlord must grant the new tenancy in accordance with the offer.

86C Reconsideration of decision not to grant a tenancy

- (1) Where a tenant is notified that the outcome of a review under section 86A is that the landlord has decided to seek possession of the dwelling-house at the end of the current tenancy, the tenant may request the landlord to reconsider its decision.
- (2) The request must be made before the end of the period of 21 days beginning with the day on which tenant was notified of the decision.
- (3) On receiving the request, the landlord must reconsider its decision.
- (4) The landlord must, in particular, consider whether the original decision is in accordance with any policy that the landlord has about the circumstances in which it will grant a further tenancy on the coming to an end of an existing fixed term tenancy.
- (5) Once the landlord has reconsidered the decision the landlord must—
 - (a) notify the tenant in writing of the outcome,
 - (b) revise or confirm its original decision, and
 - (c) if it decides to confirm its original decision, give reasons.
- (6) The Secretary of State may by regulations make provision about the procedure to be followed in connection with reconsidering a decision for the purposes of this section.
- (7) The regulations may, in particular—
 - (a) require the original decision to be reconsidered by a person of appropriate seniority who was not involved in the original decision, and

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- (b) make provision as to the circumstances in which the person who requested the landlord to reconsider the original decision is entitled to an oral hearing, and whether and by whom that person may be represented.
- (8) Regulations under this section may include transitional or saving provision.
- (9) Regulations under this section are to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.

86D Fixed term tenancy arising on termination of previous fixed term

- (1) This section applies to a secure tenancy of a dwelling-house in England other than—
- (a) an old-style secure tenancy, or
 - (b) a flexible tenancy the term of which ends within the period of 9 months beginning with the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.
- (2) If the tenancy comes to an end by virtue of the term expiring, or by virtue of an order under section 82(3), a new tenancy of the same dwelling-house arises by virtue of this subsection.
- (3) Where the landlord has offered the tenant a new tenancy of the same dwelling-house following a review under section 86A but the tenant has failed to accept, the new tenancy that arises by virtue of subsection (2) is a fixed term tenancy of whatever length the landlord offered.
- (4) In any other case, the new tenancy that arises by virtue of subsection (2) is a 5 year fixed term tenancy.
- (5) The parties and other terms of a new tenancy that arises by virtue of subsection (2) are the same as those of the tenancy that it replaces, except that the terms are confined to those which are compatible with a tenancy of the length determined in accordance with subsection (3) or (4).
- (6) A new tenancy does not arise by virtue of subsection (2) if the tenant has been granted another secure tenancy of the same dwelling-house to begin at the same time as the earlier tenancy ends.

86E Recovery of possession of secure tenancies in England

- (1) The landlord under a secure tenancy of a dwelling-house in England may bring proceedings for possession under this section if—
- (a) the landlord has decided on a review under section 86A to seek possession at the end of the tenancy, and
 - (b) the landlord has not subsequently revised the decision under section 86C.
- (2) If the landlord brings proceedings under this section the court must make an order for possession if satisfied that—
- (a) the landlord has complied with all of the requirements of sections 86A to 86C,

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- (b) the tenancy that was the subject of the review section 86A has ended,
 - (c) the proceedings were commenced before the end of the period of 3 months beginning with the day on which the tenancy ended, and
 - (d) the only fixed term tenancy still in existence is a new secure tenancy arising by virtue of section 86D.
- (3) But the court may refuse to grant an order for possession under this section if the court considers that a decision of the landlord under section 86A or 86C was wrong in law.
- (4) Where a court makes an order for possession of a dwelling-house under this section, any fixed term tenancy arising by virtue of section 86D on the coming to an end of the tenancy that was the subject of the review under section 86A comes to an end (without further notice) in accordance with section 82(2).
- (5) This section does not limit any right of the landlord under a secure tenancy to recover possession of the dwelling-house let on the tenancy in accordance with other provisions of this Part.

Termination of English secure tenancies by tenant

86F Termination of English secure tenancies by tenant

- (1) It is a term of every secure tenancy of a dwelling-house in England, other than an old-style secure tenancy, that the tenant may terminate the tenancy in accordance with the following provisions of this section.
- (2) The tenant must serve a notice in writing on the landlord stating that the tenancy will be terminated on the date specified in the notice.
- (3) That date must be after the end of the period of four weeks beginning with the date on which the notice is served.
- (4) The landlord may agree with the tenant to dispense with the requirement in subsection (2) or (3).
- (5) The tenancy is terminated on the date specified in the notice or (as the case may be) determined in accordance with arrangements made under subsection (4) only if on that date—
 - (a) no arrears of rent are payable under the tenancy, and
 - (b) the tenant is not otherwise materially in breach of a term of the tenancy.”

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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. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)