

Status: Point in time view as at 09/02/2017.

Changes to legislation: Housing and Regeneration Act 2008, Paragraph 26 is up to date with all changes known to be in force on or before 19 June 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)

SCHEDULES

SCHEDULE 11

POSSESSION ORDERS RELATING TO CERTAIN TENANCIES

PART 2

REPLACEMENT OF CERTAIN TERMINATED TENANCIES

Modifications etc. (not altering text)

- C1** Sch. 11 Pt. 2 applied (with modifications) (W.) (21.5.2009) by [Housing \(Replacement of Terminated Tenancies\) \(Successor Landlords\) \(Wales\) Order 2009 \(S.I. 2009/1260\)](#), arts. 1(1), **arts. 2-7**
- C1** Sch. 11 Pt. 2 applied (with modifications) (E.) (20.5.2009) by [Housing \(Replacement of Terminated Tenancies\) \(Successor Landlords\) \(England\) Order 2009 \(S.I. 2009/1262\)](#), arts. 1(1), **arts. 2-7**

Supplementary

26 (1) In this Part of this Schedule—

“appropriate national authority” means—

- (a) in relation to a dwelling-house in England, the Secretary of State, and
- (b) in relation to a dwelling-house in Wales, the Welsh Ministers,

“assured shorthold tenancy” and “assured tenancy” have the same meanings as in Part 1 of the Housing Act 1988 (c. 50) but do not include a demoted tenancy to which section 20B of that Act applies,

“the commencement date” means the day on which section 299 comes into force for purposes other than the purposes of the Secretary of State or the Welsh Ministers making orders under this Part of this Schedule,

“demoted tenancy” means a tenancy to which section 20B of the Act of 1988 or section 143A of the Housing Act 1996 (c. 52) applies,

“dwelling-house”—

- (a) in relation to an assured tenancy, or a tenancy to which section 20B of the Act of 1988 applies, has the same meaning as in Part 1 of that Act,
- (b) in relation to a tenancy to which section 143A of the Act of 1996 applies, has the same meaning as in Chapter 1A of Part 5 of that Act,
- (c) in relation to an introductory tenancy, has the meaning given by section 139 of the Act of 1996, and
- (d) in relation to a secure tenancy, has the meaning given by section 112 of the Housing Act 1985 (c. 68),

“ex-landlord” means the person who was the landlord under an original tenancy,

“ex-tenant” means the person who was the tenant under an original tenancy,

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“introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Act of 1996,

“modification” includes omission,

“new tenancy” means a tenancy which is treated as arising by virtue of paragraph 16,

“original tenancy” has the meaning given by paragraph 15,

“possession order”, in relation to a tenancy, means a court order for the possession of the dwelling-house,

“secure tenancy” has the same meaning as in Part 4 of the Act of 1985,

“successor”—

- (a) in relation to a new tenancy which is an assured tenancy or which is a demoted tenancy to which section 20B of the Act of 1988 applies, has the same meaning as in section 17 of that Act,
- (b) in relation to a new tenancy which is a demoted tenancy to which section 143A of the Act of 1996 applies, has the meaning given by section 143J of that Act,
- (c) in relation to a new tenancy which is an introductory tenancy, has the same meaning as in section 132 of the Act of 1996, and
- (d) in relation to a new tenancy which is a secure tenancy, has the same meaning as in section 88 of the Act of 1985.

“termination period” has the meaning given by paragraph 16(3).

(2) For the purposes of the definition of “appropriate national authority” in subparagraph (1) a dwelling-house which is partly in England and partly in Wales is to be treated—

- (a) as being in England if it is treated as situated in the area of a billing authority in England by virtue of regulations under section 1(3) of the Local Government Finance Act 1992 (c. 14) (council tax in respect of dwellings), and
- (b) as being in Wales if it is treated as situated in the area of a billing authority in Wales by virtue of regulations under that section.

Commencement Information

I1 Sch. 11 para. 26 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, art. 4(4) (with arts. 6-13)

I2 Sch. 11 para. 26 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, arts. 2, 3

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