

Status: Point in time view as at 09/02/2017.

Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Circumstances in which replacement tenancies arise 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**

Circumstances in which replacement tenancies arise

- 15 In this Part of this Schedule “an original tenancy” means any secure tenancy, assured tenancy, introductory tenancy or demoted tenancy—
- (a) in respect of which a possession order was made before the commencement date, and
 - (b) which ended before that date pursuant to the order but not on the execution of the order.

Commencement Information

- I1** Sch. 11 para. 15 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. 15 in force at 20.5.2009 in so far as not already in force by [S.I. 2009/1261](#), **arts. 2, 3**

- 16 (1) A new tenancy of the dwelling-house which was let under the original tenancy is treated as arising on the commencement date between the ex-landlord and the ex-tenant if—
- (a) on that date—
 - (i) the home condition is met, and
 - (ii) the ex-landlord is entitled to let the dwelling-house, and
 - (b) the ex-landlord and the ex-tenant have not entered into another tenancy after the date on which the original tenancy ended but before the commencement date.
- (2) The home condition is that the dwelling-house which was let under the original tenancy—
- (a) is, on the commencement date, the only or principal home of the ex-tenant, and

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- (b) has been the only or principal home of the ex-tenant throughout the termination period.
- (3) In this Part of this Schedule “the termination period” means the period—
 - (a) beginning with the end of the original tenancy, and
 - (b) ending with the commencement date.
- (4) For the purposes of sub-paragraph (2)(a) the dwelling-house is the only or principal home of the ex-tenant on the commencement date even though the ex-tenant is then absent from the dwelling-house as a result of having been evicted in pursuance of a warrant if the warrant is subsequently set aside but the possession order under which it was granted remains in force.
- (5) In that case, the new tenancy is treated as arising on the first day (if any) on which the ex-tenant resumes occupation of the dwelling-house as that person's only or principal home.
- (6) For the purposes of sub-paragraph (2)(b) any period of time within the termination period is to be ignored if—
 - (a) it is a period in which the ex-tenant was absent from the dwelling-house as a result of having been evicted in pursuance of a warrant which was then set aside although the possession order under which it was granted remained in force, and
 - (b) the ex-tenant subsequently resumes occupation of the dwelling-house as the ex-tenant's only or principal home.
- (7) The appropriate national authority may by order provide for particular cases or descriptions of case, or particular circumstances, where the home condition is met where it would not otherwise be met.

Commencement Information

- I3** Sch. 11 para. 16 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, art. 4(4) (with arts. 6-13)
- I4** Sch. 11 para. 16 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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