
WELSH STATUTORY INSTRUMENTS

2009 No. 1260

**The Housing (Replacement of Terminated Tenancies)
(Successor Landlords) (Wales) Order 2009**

Continuity of tenancies

6. Paragraph 21 (continuity of tenancies) applies as if—

- (a) paragraph (a) of sub-paragraph (2) were omitted;
- (b) after sub-paragraph (2) there were inserted—

“(2A) Where the ex-tenant was a successor in relation to the original tenancy, the ex-tenant shall be treated as a successor in relation to the new tenancy.”; and

- (c) for sub-paragraphs (3) to (5) there were substituted—

“(3) In proceedings on a claim of a description specified in sub-paragraph (7), the court concerned may order that, for the purposes of the claim, the original tenancy is to be treated as having continued during the termination period until the relevant interest was transferred to the initial transferee.

(4) In proceedings on a claim of a description specified in sub-paragraph (8), the court concerned may order that, for the purposes of the claim, the original tenancy is to be treated as having continued during the termination period until the relevant interest was transferred to the successor landlord.

(5) In proceedings on a claim of a description specified in sub-paragraph (9), the court concerned may order that, for the purposes of the claim, the new tenancy is to be treated as having commenced when the relevant interest was transferred to the successor landlord.

(6) In proceedings on a claim of a description specified in sub-paragraph (8) together with a claim of a description specified in sub-paragraph (9), where those claims relate to the same alleged breach, the court concerned may order that, for the purposes of the claims, the original tenancy and the new tenancy are to be treated as—

- (a) the same tenancy, and
- (b) a tenancy which continued uninterrupted throughout the termination period.

(7) The following are claims specified for the purposes of sub-paragraph (3)—

- (a) a claim by the ex-tenant or the ex-landlord against the other for breach of a term or condition of the original tenancy—
 - (i) in respect of which proceedings are brought on or after the commencement date, or
 - (ii) in respect of which proceedings were brought, but were not finally determined, before that date, and

(b) a claim by the ex-tenant against the ex-landlord for breach of statutory duty—

- (i) where the alleged breach occurred before the relevant interest was transferred to the initial transferee, and

(ii) in respect of which proceedings are or were brought as mentioned in paragraph (a)(i) or (ii).

(8) Where any rights or liabilities in relation to the original tenancy were transferred to the successor landlord, the following is a claim specified for the purposes of sub-paragraph (4): a claim by the ex-tenant or the successor landlord against the other for breach of a term or condition of the original tenancy in respect of which proceedings are or were brought as mentioned in sub-paragraph (7)(a)(i) or (ii).

(9) The following are claims specified for the purposes of sub-paragraph (5)—

- (a) a claim by the ex-tenant or the successor landlord against the other for breach of a term or condition of the new tenancy, and
- (b) a claim by the ex-tenant against the successor landlord for breach of statutory duty, where the alleged breach occurred after the relevant interest was transferred to the successor landlord,

in respect of which proceedings are or were brought as mentioned in sub-paragraph (7)(a)(i) or (ii).

(10) For the purposes of sub-paragraphs (7) to (9) proceedings must be treated as finally determined if—

- (a) they are withdrawn,
- (b) any appeal is abandoned, or
- (c) the time for appealing has expired without an appeal being brought.”.