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SCHEDULES

PROSPECTIVE

SCHEDULE 7

Section 118

SECURE TENANCIES ETC: PHASING OUT OF TENANCIES FOR LIFE

Law of Property Act 1925 (c. 20)

- 1 (1) Section 52 of the Law of Property Act 1925 (conveyances to be by deed, unless excepted by subsection (2) of that section) is amended as follows.
- (2) In subsection (2), after paragraph (db) insert—
- “(dc) secure tenancies of dwellings in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force, other than old-style secure tenancies;”;
 - (dd) introductory tenancies of dwellings in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force;”.
- (3) In subsection (3)—
- (a) in the definition of “flexible tenancy”, for “107A” substitute “ 115B ”;
 - (b) at the appropriate places insert—
- ““introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;”;
- ““secure tenancy” has the meaning given by section 79 of the Housing Act 1985 and “old-style secure tenancy” has the meaning given by section 115C of that Act;”.

Housing Act 1985 (c. 68)

- 2 The Housing Act 1985 is amended as follows.
- 3 For the italic heading before section 79 substitute— “ Secure tenancies ”.
- 4 After section 81 insert—

“Grant of new secure tenancies in England

81A New English secure tenancies to be between 2 and 10 years in general

- (1) A person may grant a secure tenancy of a dwelling-house in England only if it is a tenancy for a fixed term that is—
- (a) at least 2 years, and
 - (b) no longer than the permitted maximum length.

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- (2) The permitted maximum length is 10 years, unless subsection (3) applies.
- (3) If the person granting the tenancy has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period—
 - (a) beginning with the day on which the tenancy is granted, and
 - (b) ending with the day on which the child will reach the age of 19.
- (4) If a person purports to grant a secure tenancy in breach of subsection (1), it takes effect as a tenancy for a fixed term of 5 years.
- (5) In deciding what length of tenancy to grant in a case to which this section applies a person must have regard to any guidance given by the Secretary of State.
- (6) This section does not apply to the grant of an old-style secure tenancy (as to which, see section 81B).

81B Cases where old-style English secure tenancies may be granted

- (1) A person may grant an old-style secure tenancy of a dwelling-house in England only—
 - (a) in circumstances specified in regulations made by the Secretary of State,
 - (b) in accordance with subsection (2), or
 - (c) if required to do so by section 158(9B) of the Localism Act 2011 (which relates to transfer requests made before section 121 of the Housing and Planning Act 2016 comes into force).
- (2) A local housing authority that grants a secure tenancy of a dwelling-house in England must grant an old-style secure tenancy if—
 - (a) the tenancy is offered as a replacement for an old-style secure tenancy of some other dwelling-house, and
 - (b) the tenant has not made an application to move.
- (3) Other provisions of this Part set out the consequences of a tenancy being an old-style secure tenancy.
- (4) Regulations under subsection (1) may include transitional or saving provision.
- (5) Regulations under subsection (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

81C Duty to offer new secure tenancy in limited circumstances

- (1) This section applies where a change in circumstances means that a tenancy that is not a secure tenancy would become a secure tenancy but for the exception in paragraph 1ZA of Schedule 1.

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- (2) The landlord must, within the period of 28 days, make the tenant a written offer of a secure tenancy in return for the tenant surrendering the original tenancy.
- (3) If the tenant accepts in writing within the period of 28 days beginning with the day on which the tenant receives the offer, the landlord must grant the secure tenancy on the tenant surrendering the original tenancy.

81D Review of decisions about length of secure tenancies in England

- (1) A person who is offered a secure tenancy of a dwelling-house in England (under section 81C or otherwise) may request a review under this section, unless the tenancy on offer is an old-style secure tenancy.
- (2) The sole purpose of a review under this section is to consider whether the length of the tenancy is in accordance with any policy that the prospective landlord has about the length of secure tenancies it grants.
- (3) The request must be made before the end of—
 - (a) the period of 21 days beginning with the day on which the person making the request first receives the offer, or
 - (b) such longer period as the prospective landlord may allow in writing.
- (4) On receiving the request the prospective landlord must carry out the review.
- (5) On completing the review the prospective landlord must —
 - (a) notify the tenant in writing of the outcome,
 - (b) revise its offer or confirm its original decision about the length of the tenancy, 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 a review under this section.
- (7) The regulations may, in particular—
 - (a) require the review to be carried out by a person of appropriate seniority who was not involved in the original decision;
 - (b) make provision as to the circumstances in which the person who requested the review 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.”

5 In section 82 (security of tenure), in subsection (3), for the words from “section 86” to the end substitute “ section 86 or 86D shall apply ”.

6 After section 82 insert— “ Orders for possession and expiry of term etc ”.

7 (1) Section 82A (demoted tenancy) is amended as follows.

(2) After subsection (4) insert—

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“(4A) The court may not make a demotion order in relation to a secure tenancy of a dwelling-house in England if—

- (a) the landlord is a local housing authority or housing action trust, and
- (b) the term has less than 1 year and 9 months left to run

(4B) But subsection (4A) does not apply to a tenancy to which an exception in section 86A(2) or (3) applies.”

(3) In subsection (5), for paragraph (b) substitute—

“(b) the period or term of the tenancy (but see subsection (6));”.

(4) For subsection (6) substitute—

“(6) Subsection (5)(b) does not apply if—

- (a) the secure tenancy was for a fixed term and was an old-style secure tenancy or a flexible tenancy, or
- (b) the secure tenancy was for a fixed term and was a tenancy of a dwelling-house in Wales,

and in such a case the demoted tenancy is a weekly periodic tenancy.”

8 In section 83 (proceedings for possession or termination: general notice requirements), in subsection (A1), for paragraph (b) substitute—

“(b) proceedings for possession of a dwelling-house under section 86E (recovery of possession on expiry of certain English secure tenancies).”

9 In section 84 (grounds and orders for possession), in subsection (1), for “section 107D (recovery of possession on expiry of flexible tenancy)” substitute “section 86E (recovery of possession on expiry of certain English secure tenancies)”.

10 (1) Section 86 (periodic tenancy arising on termination of fixed term) is amended as follows.

(2) In subsection (1), after “secure tenancy” insert “ to which this section applies ”.

(3) After subsection (1) insert—

“(1A) This section applies to a secure tenancy of a dwelling-house in Wales.

(1B) This section also applies to a secure tenancy of a dwelling-house in England that is—

- (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,

unless it is a tenancy excluded by subsection (1C).”

(4) In subsection (2), for “this section” substitute “ subsection (1) ”.

11 After section 86 insert—

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“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
 - (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.

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- (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
 - (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.

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- (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,
 - (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.

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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.”

- 12 (1) Section 97 (tenant's improvements require consent) is amended as follows.
 - (2) In subsection (1), after “secure tenancy” insert “ to which this section applies ”.
 - (3) After subsection (1) insert—

“(1A) This section applies to—

 - (a) a secure tenancy of a dwelling-house in Wales, or
 - (b) an old-style secure tenancy of a dwelling-house in England.”
 - (4) Omit subsection (5).
- 13 (1) Section 99A (right to compensation for improvements) is amended as follows.
 - (2) In subsection (1)(c), after “secure tenancy” insert “ to which this section applies ”.
 - (3) After subsection (1) insert—

“(1A) This section applies to—

 - (a) a secure tenancy of a dwelling-house in Wales, or
 - (b) an old-style secure tenancy of a dwelling-house in England.”
 - (4) Omit subsection (9).
- 14 Omit sections 107A to 107E (flexible tenancies).
- 15 After section 115A insert—

“115B Meaning of “flexible tenancy”

- (1) For the purposes of this Act, a flexible tenancy is a secure tenancy to which any of the following subsections applies.

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- (2) This subsection applies to a secure tenancy if—
 - (a) it was granted by a landlord in England for a fixed term of not less than two years,
 - (b) it was granted before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force, and
 - (c) before it was granted the person who became the landlord under the tenancy served a written notice on the person who became the tenant under the tenancy stating that the tenancy would be a flexible tenancy.
- (3) This subsection applies to a secure tenancy if—
 - (a) it became a secure tenancy by virtue of a notice under paragraph 4ZA(2) of Schedule 1 (family intervention tenancies becoming secure tenancies),
 - (b) the notice was given before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force,
 - (c) the landlord under the family intervention tenancy in question was a local housing authority in England,
 - (d) the family intervention tenancy was granted to a person on the coming to an end of a flexible tenancy under which the person was a tenant,
 - (e) the notice states that the tenancy is to become a secure tenancy that is a flexible tenancy for a fixed term of the length specified in the notice, and sets out the other express terms of the tenancy, and
 - (f) the length of the term specified in the notice is at least two years.
- (4) The length of the term of a flexible tenancy that becomes such a tenancy by virtue of subsection (3) is that specified in the notice under paragraph 4ZA(2) of Schedule 1.
- (5) The other express terms of the flexible tenancy are those set out in the notice, so far as those terms are compatible with the statutory provisions relating to flexible tenancies; and in this subsection “statutory provision” means any provision made by or under an Act.
- (6) This subsection applies to a secure tenancy if—
 - (a) it is created by virtue of section 137A of the Housing Act 1996 (introductory tenancies becoming flexible tenancies), or
 - (b) it arises by virtue of section 143MA or 143MB of that Act (demoted tenancies becoming flexible tenancies).”

115C Meaning of “old-style secure tenancy” in England

In this Part “old-style secure tenancy” means a secure tenancy of a dwelling-house in England that—

- (a) is a secure tenancy, other than a flexible tenancy, granted before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force,
- (b) is a secure tenancy granted on or after that date that contains an express term stating that it is an old-style secure tenancy, or

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- (c) is a tenancy that arose by virtue of section 86 on the coming to an end of a secure tenancy within paragraph (a) or (b).”
- 16 (1) Section 117 (index of defined expressions) is amended as follows.
- (2) In the entry relating to flexible tenancies, for “section 107A” substitute “section 115B”.
- (3) At the appropriate place insert—
-
- | | |
|---------------------------|---------------|
| “old-style secure tenancy | section 115C” |
|---------------------------|---------------|
-
- 17 (1) Schedule 1 (tenancies which are not secure tenancies) is amended as follows.
- (2) After paragraph 1 insert—
- “Certain English tenancies that were not secure tenancies when originally granted*
- 1ZA A tenancy of a dwelling-house in England cannot become a secure tenancy if—
- (a) it was granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force,
 - (b) it was not a secure tenancy or an introductory tenancy at the time it was granted, and
 - (c) it is a periodic tenancy or a tenancy for a fixed term of less than 2 years or more than 5 years.”
- (3) In paragraph 4ZA, after sub-paragraph (2) insert—
- “(2A) A notice under sub-paragraph (2) that relates to a tenancy of a dwelling-house in England must—
- (a) state that the tenancy is to become a secure tenancy for a fixed term of a length specified in the notice, and
 - (b) set out the other express terms of the tenancy.
- (2B) The length of the term specified in a notice in accordance with sub-paragraph (2A) must not be—
- (a) less than 2 years, or
 - (b) more than the permitted maximum length.
- (2C) The permitted maximum length is 10 years, unless sub-paragraph (2D) applies.
- (2D) If the landlord has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period—
- (a) beginning with the day on which the tenancy becomes a secure tenancy, and
 - (b) ending with the day on which the child will reach the age of 19.
- (2E) In deciding what length to specify in a notice under sub-paragraph (2A)(a) the landlord must have regard to any guidance given by the Secretary of State.
- (2F) Where a notice is given in accordance with sub-paragraph (2A) the length of the secure tenancy, and the other terms, are those set out in the notice.

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(2G) Sub-paragraphs (2A) to (2F) do not apply to notices given before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.”

Landlord and Tenant Act 1985 (c. 70)

18 (1) Section 13 of the Landlord and Tenant Act 1985 is amended as follows.

(2) After subsection (1A) insert—

“(1AB) Section 11 also applies to a lease of a dwelling-house in England which is an introductory tenancy for a fixed term of seven years or more granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.”

(3) In subsection (1B)—

(a) for “In subsection (1A)” substitute “ In this section ”, and

(b) after the definition of “assured tenancy” insert—

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

Housing Act 1996 (c. 52)

19 The Housing Act 1996 is amended as follows.

20 (1) Section 124 (introductory tenancies) is amended as follows.

(2) After subsection (1) insert—

“(1A) When such an election is in force, every fixed term tenancy of a dwelling-house in England entered into or adopted by the authority or trust shall, if it would otherwise be a secure tenancy, be an introductory tenancy, unless section 124A(7) applies or immediately before the tenancy was entered into or adopted the tenant or, in the case of joint tenants, one or more of them was—

(a) a secure tenant of the same or another dwelling-house, or

(b) a tenant under a relevant assured tenancy, other than an assured shorthold tenancy, of the same or another dwelling-house.”

(3) In subsection (2), in the words before paragraph (a), after “dwelling-house” insert “ in Wales ”.

(4) In subsection (2A), for “subsection (2)(b)” substitute “ subsections (1A)(b) and (2)(b) ”.

(5) In subsection (3), for “subsection (2)” substitute “ subsections (1A) and (2) ”.

(6) After subsection (5) insert—

“(6) In relation to a tenancy entered into or adopted by a local housing authority or a housing action trust before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force, this section has effect—

(a) as if subsection (1A) were omitted, and

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(b) as if, in subsection (2), the words “in Wales” were omitted.”

21 After section 124 insert—

“124A New introductory tenancies in England: overall length

- (1) A local housing authority or a housing action trust may enter into an introductory tenancy of a dwelling-house in England only if it is a tenancy for a fixed term that is—
 - (a) at least 2 years, and
 - (b) no longer than the permitted maximum length.
- (2) The permitted maximum length is 10 years, unless subsection (3) applies.
- (3) If the person entering into the tenancy has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period—
 - (a) beginning with the day on which the tenancy is entered into, and
 - (b) ending with the day on which the child will reach the age of 19.
- (4) If a local housing authority or a housing action trust purports to enter into an introductory tenancy in breach of subsection (1), it takes effect as a tenancy for a fixed term of 5 years.
- (5) In deciding what length of tenancy to enter into in a case to which subsection (1) applies, the local housing authority or housing action trust must have regard to any guidance given by the Secretary of State.
- (6) Subsections (1) and (4) apply only to tenancies entered into on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.
- (7) A tenancy of a dwelling-house in England that is adopted by a local housing authority or a housing action trust does not become an introductory tenancy if—
 - (a) it is adopted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force, and
 - (b) the tenancy is a periodic tenancy or it is a tenancy for a fixed term of less than 2 years or more than 5 years.
- (8) Subsections (9) and (10) apply where a tenancy that has been adopted by a local housing authority or a housing action trust is not an introductory tenancy but would (on adoption or at any later time) become a secure tenancy but for subsection (7).
- (9) The local housing authority or housing action trust must, within the period of 28 days, make the tenant a written offer of an introductory tenancy in return for the tenant surrendering the original tenancy.
- (10) If the tenant accepts in writing within the period of 28 days beginning with the day on which the tenant receives the offer, the local housing authority or housing action trust must grant an introductory tenancy on the tenant surrendering the original tenancy.

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

Changes to legislation: Housing and Planning Act 2016, SCHEDULE 7 is up to date with all changes known to be in force on or before 13 August 2023. 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

124B Review of decisions about length of introductory tenancies in England

- (1) A person who is offered an introductory tenancy of a dwelling-house in England may request a review under this section.
- (2) The sole purpose of a review under this section is to consider whether the length of the tenancy is in accordance with any policy that the prospective landlord has about the length of introductory tenancies it grants.
- (3) The request must be made before the end of—
 - (a) the period of 21 days beginning with the day on which the person making the request first receives the offer, or
 - (b) such longer period as the prospective landlord may allow in writing.
- (4) On receiving the request the prospective landlord must carry out the review.
- (5) On completing the review the prospective landlord must —
 - (a) notify the tenant in writing of the outcome,
 - (b) revise its offer or confirm its original decision about the length of the tenancy, 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 a review under this section.
- (7) The regulations may, in particular—
 - (a) require the review to be carried out by a person of appropriate seniority who was not involved in the original decision;
 - (b) make provision as to the circumstances in which the person who requested the review is entitled to an oral hearing, and whether and by whom that person may be represented.”

22 (1) Section 125A (extension of trial period by 6 months) is amended as follows.

(2) In subsection (1), for “both” substitute “ each ”.

(3) After subsection (3) insert—

“(3A) The third condition must be met only if the introductory tenancy —

- (a) is one to which section 124A(1) or (2) applies, or
- (b) is adopted by a local housing authority or housing action trust on or after the day on which paragraph 4 of Schedule 7 came fully into force.

(3B) The third condition is that the new expiry date would be before the period mentioned in section 86A(3) of the Housing Act 1985 (review to determine what to do at end of fixed term secure tenancy); and for this purpose “the new expiry date” means the last day of the 6 month extension period mentioned in subsection (1).”

23 In section 128 (notice of proceedings for possession), in subsection (4), for the second sentence substitute—

“The date so specified—

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- (a) in a case where the introductory tenancy is a periodic tenancy, must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the proceedings, and
 - (b) in a case where the introductory tenancy is a fixed term tenancy, must not be earlier than the end of the period of 6 weeks beginning with the date on which the notice of proceedings is served.”
- 24 In section 137A (introductory tenancies that are to become flexible tenancies), in subsection (2), for “, before entering into or adopting the introductory tenancy” substitute “the introductory tenancy was entered into or adopted before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force and, before entering into or adopting it, ”.
- 25 In section 143A (demoted tenancies), in subsection (1), omit “periodic”.
- 26 In section 143E (notice of proceedings for possession), for subsection (3) substitute—
 - “(3) The date specified under subsection (2)(c)—
 - (a) in a case where the demoted tenancy is a periodic tenancy, must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the proceedings, and
 - (b) in a case where the demoted tenancy is a fixed term tenancy, must not be earlier than the end of the period of 6 weeks beginning with the date on which the notice of proceedings is served.”
- 27 (1) Section 143MA (demoted tenancies that are to become flexible tenancies) is amended as follows.
 - (2) In subsection (1), for “section 107A of the Housing Act 1985” substitute “section 115B of the Housing Act 1985 (certain tenancies granted etc before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force) ”.
 - (3) After subsection (3) insert—
 - “(3A) If the notice is given on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force, the period specified under subsection (3)(b) must be no longer than the permitted maximum length.
 - (3B) The permitted maximum length is 10 years, unless subsection (3C) applies.
 - (3C) If the landlord has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period—
 - (a) beginning with the day on which the tenancy becomes a secure tenancy, and
 - (b) ending with the day on which the child will reach the age of 19.
 - (3D) In deciding what length to specify in a notice under paragraph (3)(b) the landlord must have regard to any guidance given by the Secretary of State.”
- 28 After section 143MA insert—

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“143MB Default flexible tenancies when no notice given under section 143MA

- (1) This section applies where—
 - (a) a landlord has the power to serve a notice under section 143MA on the tenant under a demoted tenancy but fails to do so, and
 - (b) the tenancy comes to an end on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.
- (2) On ceasing to be a demoted tenancy, the tenancy becomes a secure tenancy for a fixed term of 5 years that is a flexible tenancy.
- (3) The terms of the new tenancy are the same as those of the tenancy that it replaces, so far as those terms are compatible with—
 - (a) a tenancy for a fixed term of 5 years, and
 - (b) the statutory provisions relating to flexible tenancies (within the meaning given by section 143MA(5)).”

Land Registration Act 2002 (c. 9)

29 In section 132 of the Land Registration Act 2002 (interpretation), in subsection (1)

- (a) in the definition of “flexible tenancy”, for “107A” substitute “ 115B ”;
- (b) in the definition of “relevant social housing tenancy”, after paragraph (a) (but before the “or” at the end) insert—

“(aa) a secure tenancy of a dwelling-house in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force,

(ab) an introductory tenancy of a dwelling-house in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.”;

- (c) at the appropriate places insert—

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

““secure tenancy” has the meaning given by section 79 of the Housing Act 1985;”.

Localism Act 2011 (c. 20)

30 The Localism Act 2011 (flexible tenancies: other amendments) is amended as follows.

31 In section 155, omit subsections (3) and (4).

32 In section 159 (further provisions about transfer of tenancy under section 158), in subsection (6)(b), for “107A” substitute “ 115B ”.

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Savings for flexible tenancies with only 9 months left to run

- 33 (1) Despite the repeal of sections 107D and 107E of the Housing Act 1985 (flexible tenancies: recovery of possession) by paragraph 14 above, those sections continue to apply in relation to a flexible tenancy the term of which ends within the period of 9 months beginning with the day on which paragraph 4 of this Schedule comes fully into force.
- (2) The amendments made by paragraphs 8 and 9 (which replace references to proceedings for possession under section 107D of the Housing Act 1985) do not apply in relation to such a tenancy.

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

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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. 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\(8\)\(a\)\(ii\)](#)