Status: *This version of this cross heading contains provisions that are prospective.*
Changes to legislation: *Housing and Planning Act 2016, Paragraph 15 is up to date with all changes known to be in force on or before 27 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)

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.

(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.

Status: *This version of this cross heading contains provisions that are prospective.*
Changes to legislation: *Housing and Planning Act 2016, Paragraph 15 is up to date with all changes known to be in force on or before 27 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*

(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

(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)."

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

Changes to legislation:
Housing and Planning Act 2016, Paragraph 15 is up to date with all changes known to be in force on or before 27 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.
View outstanding changes

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)