

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

Changes to legislation: Housing and Planning Act 2016, Paragraph 21 is up to date with all changes known to be in force on or before 17 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

SCHEDULES

PROSPECTIVE

SCHEDULE 7

SECURE TENANCIES ETC: PHASING OUT OF TENANCIES FOR LIFE

Housing Act 1996 (c. 52)

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.

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- (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.

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.”

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