
Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: Housing and Planning Act 2016, Cross Heading: Housing Act 1985 (c. 68) 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

SCHEDULES

PROSPECTIVE

SCHEDULE 8

SUCCESSION TO SECURE TENANCIES AND RELATED TENANCIES

Housing Act 1985 (c. 68)

- 1 The Housing Act 1985 is amended as follows.
- 2 In section 86 (periodic tenancy arising on termination of fixed term), after subsection (1B) (inserted by Schedule 7) insert—

“(1C) This section does not apply to a secure tenancy of a dwelling-house in England if—

 - (a) the original secure tenant has died,
 - (b) the tenancy has been vested in, or otherwise disposed of to, the current tenant in the course of the administration of the original tenant's estate, and
 - (c) the current tenant qualified to succeed the original tenant under section 86G(2) or (4).”
- 3 (1) Section 86A (persons qualified to succeed: England) as inserted by the Localism Act 2011—
 - (a) is renumbered section 86G (so that it follows on from section 86F as inserted by Schedule 7 without making the numbering more complex than it has to be), and
 - (b) is amended as follows.(2) After subsection (7) insert—

“(8) This section applies to a tenancy that was granted before 1 April 2012, or that arose by virtue of section 86 on the coming to the end of a secure tenancy granted before 1 April 2012, as it applies to a secure tenancy granted on or after that day.”
- 4 In section 88 (cases where the tenant is a successor), in subsection (1), after paragraph (b) insert—

“(ba) the tenancy arose by virtue of section 89(2A) (fixed term tenancy arising in certain cases following succession to periodic tenancy), or”.
- 5 (1) Section 89 (succession to periodic tenancy) is amended as follows.
(2) In subsection (1A), for “section 86A” substitute “section 86G”.
(3) After subsection (2) insert—

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“(2A) Where the tenancy vests in a person qualified to succeed the tenant under section 86G(2) or (4) and continues to be a secure tenancy—

- (a) the periodic tenancy (“the old tenancy”) comes to an end immediately after vesting, and
- (b) a new tenancy of the same dwelling-house arises by virtue of this subsection for a fixed term of 5 years.

(2B) The parties and terms of a tenancy arising by virtue of subsection (2A) 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 for a fixed term of 5 years.

(2C) Where a possession order was in force in relation to the old tenancy—

- (a) the possession order is to be treated, so far as possible, as if it applied in relation to the new tenancy, and
- (b) any other court orders made in connection with the possession order are also to be treated, so far as possible, as if they applied in relation to the new tenancy.

(2D) In subsection (2C) “possession order” means an order for possession of the dwelling house.”

6 In section 117 (index of defined expressions), in the entry relating to persons qualified to succeed, for “section 87” substitute “ sections 86G and 87 ”.

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