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**Changes to legislation:** Housing and Planning Act 2016, Cross Heading: Housing Act 1996 (c. 52) is up to date with all changes known to be in force on or before 02 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

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## SCHEDULES

PROSPECTIVE

### SCHEDULE 8

#### SUCCESSION TO SECURE TENANCIES AND RELATED TENANCIES

##### *Housing Act 1996 (c. 52)*

7 Before section 131 (but after the italic heading) insert—

##### **Persons qualified to succeed to introductory tenancy: England**

“130A) A person is qualified to succeed the tenant under an introductory tenancy of a dwelling-house in England if—

- (a) the person occupies the dwelling-house as his or her only or principal home at the time of the tenant's death, and
- (b) the person is the tenant's spouse or civil partner.

(2) A person is qualified to succeed the tenant under an introductory tenancy of a dwelling-house in England if—

- (a) at the time of the tenant's death the dwelling-house is not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
- (b) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
- (c) the person's succession is in accordance with that term.

(3) Subsection (1) or (2) does not apply if the tenant was a successor as defined in section 132.

(4) In such a case, a person is qualified to succeed the tenant if—

- (a) an express term of the tenancy makes provision for a person to succeed a successor to the tenancy, and
- (b) the person's succession is in accordance with that term.

(5) For the purposes of this section a person who was living with the tenant as the tenant's wife or husband is to be treated as the tenant's spouse.

(6) Subsection (7) applies if, on the death of the tenant, there is by virtue of subsection (5) more than one person who fulfils the condition in subsection (1)(b).

(7) Such one of those persons as may be agreed between them or as may, where there is no such agreement, be selected by the landlord is for the purpose of this section to be treated as the fulfilling that condition.”

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- 8 (1) Section 131 (persons qualified to succeed tenant) is amended as follows.
- (2) At the end of the heading for “tenant” substitute “ to introductory tenancy: Wales ”.
- (3) After “introductory tenancy” insert “ of a dwelling-house in Wales ”.
- 9 (1) Section 133 (succession to introductory tenancy) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Where there is a person qualified to succeed the tenant under section 130A, the tenancy vests by virtue of this section—
- (a) in that person, or
- (b) if there is more than one such person, in such one of them as may be agreed between them or as may, where there is no agreement, be selected by the landlord.”
- (3) In subsection (2), after “ “tenant” insert “ under section 131 ”.
- 10 Before section 143H (but after the italic heading) insert—

**Persons qualified to succeed to demoted tenancy: England**

- “143G~~A~~) A person is qualified to succeed the tenant under a demoted tenancy of a dwelling-house in England if—
- (a) the person occupies the dwelling-house as his or her only or principal home at the time of the tenant's death, and
- (b) the person is the tenant's spouse or civil partner.
- (2) A person is qualified to succeed the tenant under a demoted tenancy of a dwelling-house in England if—
- (a) at the time of the tenant's death the dwelling-house is not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
- (b) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
- (c) the person's succession is in accordance with that term.
- (3) Subsection (1) or (2) does not apply if the tenant was a successor as defined in section 132.
- (4) In such a case, a person is qualified to succeed the tenant if—
- (a) an express term of the tenancy makes provision for a person to succeed a successor to the tenancy, and
- (b) the person's succession is in accordance with that term.
- (5) For the purposes of this section a person who was living with the tenant as the tenant's wife or husband is to be treated as the tenant's spouse.
- (6) Subsection (7) applies if, on the death of the tenant, there is by virtue of subsection (5) more than one person who fulfils the condition in subsection (1)(b).

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(7) Such one of those persons as may be agreed between them or as may, where there is no such agreement, be selected by the landlord is for the purpose of this section to be treated as fulfilling that condition.

(8) This section applies to a tenancy that became a demoted tenancy before or after Schedule 8 of the Housing Act 2015 comes into force.

### **Succession to demoted tenancy: England**

143GB) This section applies if the tenant under a demoted tenancy of a dwelling-house in England dies.

(2) Where there is a person qualified to succeed the tenant under section 143GA, the tenancy vests by virtue of this section—

- (a) in that person, or
- (b) if there is more than one such person, in such one of them as may be agreed between them or as may, where there is no agreement, be selected by the landlord.

(3) Where a periodic demoted tenancy vests in a person qualified to succeed the tenant under section 143GA(2) or (4) and continues to be a demoted tenancy—

- (a) the 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.

(4) The parties and terms of a tenancy arising by virtue of subsection (3) 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.

(5) Where a demoted tenancy comes to an end and a new tenancy arises by virtue of subsection (3), as from that time the demotion order is to be treated for all purposes as it had been made in relation to the new tenancy (and the demotion period remains the same)."

11 (1) Section 143H (succession to demoted tenancy) is amended as follows.

(2) At the heading insert " : Wales ".

(3) In subsection (1), after "tenancy" insert " of a dwelling-house in Wales ".

12 In section 143I (no successor tenant: termination), after "section" insert " 143GA or ".

13 (1) Section 143J of the Housing Act 1996 (demoted tenancies: successor tenants) is amended as follows.

(2) After subsection (3) insert—

"(3A) The tenancy arose by virtue of section 89(2A) of the Housing Act 1985."

(3) For subsection (7) substitute—

"(7) A person is the successor to a demoted tenancy if—

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- (a) the tenancy vests in the person by virtue of section 143GB(2) or 143H(4) or (5), or
- (b) the tenancy arose by virtue of section 143GB(3).”

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