

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

**Changes to legislation:** Housing and Planning Act 2016, Paragraph 5 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 8

#### SUCCESSION TO SECURE TENANCIES AND RELATED TENANCIES

##### *Housing Act 1985 (c. 68)*

- 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—
- “(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.”

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