



# Welfare Reform and Work Act 2016

## 2016 CHAPTER 7

### *Social housing rents*

#### **31 Transitional provision**

- (1) This section applies if, immediately before the rent restriction period ends—
  - (a) a lease or other agreement by virtue of which a person is a tenant of a registered provider contains provision under which rent will or may be increased with effect from a date or dates specified in the lease or other agreement (“rent review dates”), and
  - (b) the registered provider is subject to a requirement imposed by or under section 23 or 27 or Part 1 of Schedule 2 as regards the tenant.
- (2) The lease or other agreement contains, by virtue of this subsection, an implied term enabling the registered provider to treat a date that falls—
  - (a) after the rent restriction period ends, and
  - (b) before the first rent review date to occur after the rent restriction period ends,as if that date were the first rent review date to occur after the rent restriction period ends (instead of the date provided for in the lease or other agreement).
- (3) Subsection (4) applies if, under the provision mentioned in subsection (1)(a), the intervals between rent review dates may only be intervals of 51 weeks or more.
- (4) The lease or other agreement contains, by virtue of this subsection, an implied term enabling the registered provider, if it acts as mentioned in subsection (2), to treat the relevant date as if it were the second rent review date to occur after the rent restriction period ends (instead of the date provided for in the lease or other agreement).
- (5) In subsection (4) “the relevant date” means the date that precedes the second rent review date by the same period as the date treated under subsection (2) as the first rent review date precedes the first rent review date provided for in the lease or other agreement.
- (6) The lease or other agreement contains, by virtue of this subsection, an implied term requiring the registered provider, if it acts as mentioned in subsection (4), to treat the

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**Changes to legislation:** There are currently no known outstanding effects for the Welfare Reform and Work Act 2016, Section 31. (See end of Document for details)

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date that precedes each subsequent rent review date by the same period as if it were that subsequent rent review date (instead of the date provided for in the lease or other agreement).

- (7) The lease or other agreement contains, by virtue of this subsection, an implied term providing that, if the registered provider treats an earlier date as if it were a rent review date because of a term implied by subsection (2), (4) or (6), other provision in the lease or other agreement is to have effect accordingly.
- (8) Nothing in this section prevents the registered provider and the tenant varying or excluding by agreement a term implied by virtue of this section.
- (9) Section 102 of the Housing Act 1985 (variation of terms of a secure tenancy) has effect subject to subsections (2), (4), (6) and (7).
- (10) In this section “rent restriction period”, in relation to a tenant of a registered provider, means the period during which the registered provider might be subject to a requirement imposed by or under section 23 or 27 or Part 1 of Schedule 2 as regards the tenant.

#### Commencement Information

- I1** [S. 31](#) in force for specified purposes at Royal Assent, see. 36(5)
- I2** [S. 31](#) in force at 1.4.2016 in so far as not already in force by [S.I. 2016/394](#), **reg. 4**

**Changes to legislation:**

There are currently no known outstanding effects for the Welfare Reform and Work Act 2016, Section 31.