
STATUTORY INSTRUMENTS

1997 No. 72

HOUSING, ENGLAND AND WALES

The Introductory Tenants (Review) Regulations 1997

Made - - - - *16th January 1997*
Laid before Parliament *22nd January 1997*
Coming into force - - *12th February 1997*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 129 and 142 of the Housing Act 1996⁽¹⁾ and of all other powers enabling them in that behalf hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Introductory Tenants (Review) Regulations 1997 and shall come into force on 12th February 1997.

(2) In these Regulations references to—

- (a) a tenant are to an introductory tenant; and
- (b) a landlord are to a local authority or housing action trust which has elected to operate an introductory tenancy regime.

Right to a hearing

2. The review under section 129 of the Housing Act 1996 of the decision to seek an order for possession of a dwelling-house let under an introductory tenancy shall not be by way of an oral hearing unless the tenant informs the landlord that he wishes to have such a hearing before the end of the time permitted under subsection (1) of that section to request a review of that decision.

Who is to carry out the review

3.—(1) The review shall be carried out by a person who was not involved in the decision to apply for an order for possession.

(2) Where the review of a decision made by an officer is also to be made by an officer, that officer shall be someone who is senior to the officer who made the original decision.

(1) 1996 c. 52.

Review without a hearing

4. If there is not to be a hearing the tenant may make representations in writing in connection with the review and such representations shall be considered by the landlord who shall inform the tenant of the date by which such representations must be received, which shall not be earlier than five clear days after receipt of this information by the tenant.

Review by way of a hearing

5.—(1) Subject to the provisions of this regulation, the procedure in connection with a review by way of hearing shall be such as the person hearing the review shall determine.

(2) A tenant who has requested a hearing has the right to—

- (a) be heard and to be accompanied and may be represented by another person whether that person is professionally qualified or not, and for the purposes of the proceedings any representative shall have the rights and powers which the tenant has under these Regulations;
- (b) call persons to give evidence;
- (c) put questions to any person who gives evidence at the hearing; and
- (d) make representations in writing.

Notice of hearing

6. The landlord shall give the tenant notice of the date, time and place of the hearing, which shall be not less than five days after receipt of the request for a hearing and if the tenant has not been given such notice, the hearing may only proceed with the consent of the tenant or his representative.

Absence of tenant at hearing

7. If any person shall fail to appear at the hearing, notice having been given to him in accordance with regulation 6, the person conducting the review may, having regard to all the circumstances including any explanation offered for the absence, proceed with the hearing notwithstanding his absence, or give such directions with a view to the conduct of the further review as that person may think proper.

Postponement of hearing

8. A tenant may apply to the landlord requesting a postponement of the hearing and the landlord may grant or refuse the application as they see fit.

Adjournment of hearing

9. A hearing may be adjourned by the person hearing the review at any time during the hearing on the application of the tenant, his representative, or at the motion of the person hearing the review and, if a hearing is adjourned part heard and after the adjournment the person or persons hearing the review differ from those at the first hearing, otherwise than through the operation of paragraph 7, proceedings shall be by way of a complete rehearing of the case.

Absence of person hearing the review

10. Where more than one person is conducting the review, any hearing may, with the consent of the tenant or his representative but not otherwise, be proceeded with in the absence of one of the persons who is to determine the review.

14th January 1997

David Curry
Minister of State,
Department of the Environment

16th January 1997

William Hague
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

Chapter I of Part V of the Housing Act 1996 established a regime of introductory tenancies. If the landlord is to end such a tenancy he must provide the tenant with a notice stating that the landlord is applying to the court for an order for possession, setting out the reasons for this decision and informing the tenant of his right to request a review of this decision. These Regulations make provision about the procedure to be followed in this review.

Regulation 2 provides that the tenant is entitled to a hearing and how this right is to be exercised.

Regulation 3 provides that the review must be undertaken by a person who was not involved in the original decision.

Regulations 4 to 10 set out the details of the procedure to be followed on the review.