

**Changes to legislation:** Housing Act 1985, Paragraph 12 is up to date with all changes known to be in force on or before 26 April 2024. 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

### [<sup>F2</sup>SCHEDULE 6A

#### REDEMPTION OF LANDLORD'S SHARE

##### Textual Amendments

- F2** Sch. 6A inserted (11.10.1993) by 1993 c. 28, s. 117(2), **Sch. 16**; S.I. 1993/2134, **arts. 2, 4(b)** (with saving in **Sch. 1** para. 4(1)).

##### <sup>F1</sup>Interpretation

##### Textual Amendments

- F1** Sch. 6A inserted (11.10.1993) by 1993 c. 28, s. 117(2), **Sch. 16**; S.I. 1993/2134, **arts. 2, 4(b)** (with saving in **Sch. 1** para. 4(1)).

<sup>F1</sup>12 (1) In this Schedule—

“ independent valuer ” means an independent valuer appointed in pursuance of provisions in that behalf contained in the conveyance or grant;

“ protection period ” has the meaning given by paragraph 4(2);

“ qualifying person ” means [<sup>F3</sup> qualifying partner ] or a qualifying resident.

(2) A person is a [<sup>F4</sup>qualifying partner] for the purposes of this Schedule if—

(a) he is entitled to a beneficial interest in the dwelling-house immediately after the time when there ceases to be an interest to which this paragraph applies;

(b) he is occupying the dwelling-house as his only or principal home immediately before that time; and

[<sup>F5</sup>(c) he—

(i) is the spouse, the civil partner, a former spouse, a former civil partner, the surviving spouse, the surviving civil partner, a surviving former spouse or a surviving former civil partner of the person who immediately before that time was entitled to the interest to which this paragraph applies or, as the case may be, the last remaining such interest, or

(ii) is the surviving spouse, the surviving civil partner, a surviving former spouse or a surviving former civil partner of a person who immediately before his death was entitled to such an interest.]

(3) A person is a qualifying resident for the purposes of this Schedule if—

(a) he is entitled to a beneficial interest in the dwelling-house immediately after the time when there ceases to be an interest to which this paragraph applies;

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- (b) he is occupying the dwelling-house as his only or principal home immediately before that time;
  - (c) he has resided throughout the period of twelve months ending with that time—
    - (i) with the person who immediately before that time was entitled to the interest to which this paragraph applies or, as the case may be, the last remaining such interest, or
    - (ii) with two or more persons in succession each of whom was throughout the period of residence with him entitled to such an interest; and
  - (d) he is not a [<sup>F6</sup>qualifying partner] .
- (4) A beneficial interest in the dwelling-house is an interest to which this paragraph applies if the person entitled to it is the secure tenant or, as the case may be, one of the secure tenants.
- (5) References in this Schedule to the secure tenant are references to the secure tenant or tenants to whom the conveyance or grant is made and references to the secure tenant or, as the case may be, one of the secure tenants shall be construed accordingly.
- (6) References in this Schedule to the secure tenant's successors in title do not include references to any person entitled to a legal charge having priority to the mortgage required by section 151B (mortgage for securing redemption of landlord's share) or any person whose title derives from such a charge.]

#### Textual Amendments

- F1** Sch. 6A inserted (11.10.1993) by 1993 c. 28, s. 117(2), **Sch. 16**; S.I. 1993/2134, **arts. 2, 4(b)** (with saving in **Sch. 1 para. 4(1)**).
- F3** Words in Sch. 6A para. 12(1) substituted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, ss. 81, 263(2), **Sch. 8 para. 35(4)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F4** Words in Sch. 6A para. 12(2) substituted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, ss. 81, 263(2), **Sch. 8 para. 35(4)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F5** Sch. 6A: para. 12(2)(c) substituted (5.12.2005) for para. 12(2)(c) and words by **Civil Partnership Act 2004 (c. 33)**, ss. 81, 263(2), **Sch. 8 para. 35(5)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F6** Words in Sch. 6A para. 12(3)(d) substituted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, ss. 81, 263(2), **Sch. 8 para. 35(4)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172 Regulations](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)