



Housing Act 1985

1985 CHAPTER 68

PART IV

SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

Succession on death of tenant

90 Devolution of term certain.

- (1) This section applies where a secure tenant dies and the tenancy is a tenancy for a term certain.
- (2) The tenancy remains a secure tenancy until—
 - (a) it is vested or otherwise disposed of in the course of the administration of the tenant's estate, as mentioned in subsection (3), or
 - (b) it is known that when it is so vested or disposed of it will not be a secure tenancy.
- (3) The tenancy ceases to be a secure tenancy on being vested or otherwise disposed of in the course of administration of the tenant's estate, unless—
 - ^{F1}(a) the vesting or other disposal is in pursuance of an order made under—
 - (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
 - (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.),^{F2} . . .
 - (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents), or
 - [Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the^{F3}(iv) Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.), or]
 - (b) the vesting or other disposal is to a person qualified to succeed the tenant.

Changes to legislation: Housing Act 1985, Section 90 is up to date with all changes known to be in force on or before 25 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

- (4) A tenancy which ceases to be a secure tenancy by virtue of this section cannot subsequently become a secure tenancy.
- [^{F4}(5) The following provisions apply where a tenancy that was a secure tenancy of a dwelling-house in England—
- (a) has been vested or otherwise disposed of in the course of the administration of the secure tenant's estate, and
 - (b) has ceased to be a secure tenancy by virtue of this section.
- (6) Subject as follows, the landlord may apply to the court for an order for possession of the dwelling-house let under the tenancy.
- (7) The court may not entertain proceedings for an order for possession under this section unless—
- (a) the landlord has served notice in writing on the tenant—
 - (i) stating that the landlord requires possession of the dwelling-house, and
 - (ii) specifying a date after which proceedings for an order for possession may be begun, and
 - (b) that date has passed without the tenant giving up possession of the dwelling-house.
- (8) The date mentioned in subsection (7)(a)(ii) must fall after the end of the period of four weeks beginning with the date on which the notice is served on the tenant.
- (9) On an application to the court for an order for possession under this section, the court must make such an order if it is satisfied that subsection (5) applies to the tenancy.
- (10) The tenancy ends when the order is executed.]

Textual Amendments

- F1** S. 90(3)(a) substituted for s. 90(3)(a) and the word “or” at the end of the paragraph (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. III para. 11**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**)
- F2** Words at the end of s. 90(3)(a)(ii) repealed (5.12.2005) by **Civil Partnership Act 2004** (c. 33), ss. 261(4), 263(10)(c), **Sch. 30**; S.I. 2005/3175, **art. 2(6)**
- F3** S. 90(3)(a)(iv) inserted (5.12.2005) by **Civil Partnership Act 2004** (c. 33), ss. 81, 263(2), **Sch. 8 para. 23**; S.I. 2005/3175, **art. 2(1)**, **Sch. 1**
- F4** S. 90(5)-(10) inserted (1.4.2012) by **Localism Act 2011** (c. 20), ss. 162(1), 240(2); S.I. 2012/628, **art. 6(b)** (with arts. 9, 11, 14, 15, 17)

Modifications etc. (not altering text)

- C1** S. 90 modified (1.11.1993) by 1993 c. 28, s. 37, **Sch. 10 para. 2(3)**; S.I. 1993/2134, **arts. 2, 5(a)**.

Changes to legislation:

Housing Act 1985, Section 90 is up to date with all changes known to be in force on or before 25 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.

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Changes and effects yet to be applied to :

- s. 90(3)(a) words substituted by [1996 c. 27 Sch. 8 para. 34](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(2)(e))
- 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\(3\)\(d\)](#)