



Localism Act 2011

2011 CHAPTER 20

PART 7

HOUSING

CHAPTER 2

SOCIAL HOUSING: TENURE REFORM

Other provisions relating to tenancies of social housing

160 Succession to secure tenancies

(1) Before section 87 of the Housing Act 1985 insert—

“86A Persons qualified to succeed tenant: England

- (1) A person (“P”) is qualified to succeed the tenant under a secure tenancy of a dwelling-house in England if—
 - (a) P occupies the dwelling-house as P's only or principal home at the time of the tenant's death, and
 - (b) P is the tenant's spouse or civil partner.
- (2) A person (“P”) is qualified to succeed the tenant under a secure tenancy of a dwelling-house in England if—
 - (a) at the time of the tenant's death the dwelling-house is not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
 - (b) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
 - (c) P's succession is in accordance with that term.

Changes to legislation: Localism Act 2011, Section 160 is up to date with all changes known to be in force on or before 21 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

- (3) Subsection (1) or (2) does not apply if the tenant was a successor as defined in section 88.
 - (4) In such a case, a person (“P”) is qualified to succeed the tenant if—
 - (a) an express term of the tenancy makes provision for a person to succeed a successor to the tenancy, and
 - (b) P's succession is in accordance with that term.
 - (5) For the purposes of this section—
 - (a) a person who was living with the tenant as the tenant's wife or husband is to be treated as the tenant's spouse, and
 - (b) a person who was living with the tenant as if they were civil partners is to be treated as the tenant's civil partner.
 - (6) Subsection (7) applies if, on the death of the tenant, there is by virtue of subsection (5) more than one person who fulfils the condition in subsection (1) (b).
 - (7) Such one of those persons as may be agreed between them or as may, where there is no such agreement, be selected by the landlord is for the purpose of this section to be treated (according to whether that one of them is of the opposite sex to, or of the same sex as, the tenant) as the tenant's spouse or civil partner.”
- (2) In section 87 of that Act (persons qualified to succeed secure tenant)—
 - (a) in the section heading at the end insert “ : Wales ”, and
 - (b) after “secure tenancy” insert “ of a dwelling-house in Wales ”.
 - (3) Section 89 of that Act (succession to periodic tenancy) is amended as follows.
 - (4) After subsection (1) insert—
 - “(1A) Where there is a person qualified to succeed the tenant under section 86A, the tenancy vests by virtue of this section—
 - (a) in that person, or
 - (b) if there is more than one such person, in such one of them as may be agreed between them or as may, where there is no agreement, be selected by the landlord.”
 - (5) In subsection (2) after “tenant” insert “ under section 87 ”.
 - (6) The amendments made by this section do not apply in relation to a secure tenancy that—
 - (a) was granted before the day on which this section comes into force, or
 - (b) came into being by virtue of section 86 of the Housing Act 1985 (periodic tenancy arising on termination of fixed term) on the coming to an end of a secure tenancy within paragraph (a).

Commencement Information

II S. 160 in force at 1.4.2012 by S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)

Changes to legislation:

Localism Act 2011, Section 160 is up to date with all changes known to be in force on or before 21 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 160(6) omitted by [2016 c. 22 Sch. 8 para. 14](#)

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. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)