



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 4

#### SOCIAL HOUSING IN ENGLAND

### CHAPTER 6

#### SECURE TENANCIES ETC.

#### **118 Secure tenancies etc: phasing out of tenancies for life**

Schedule 7 changes the law about secure tenancies, introductory tenancies and demoted tenancies to phase out tenancies for life.

#### **119 Termination of fixed-term secure tenancies without need to forfeit**

(1) The Housing Act 1985 is amended as follows.

(2) In section 82 (security of tenure)—

(a) before subsection (1) insert—

“(A1) A fixed-term secure tenancy of a dwelling-house in England that is granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force cannot be brought to an end by the landlord except by—

(a) obtaining—

(i) an order of the court for the possession of the dwelling-house, and

(ii) the execution of the order, or

(b) obtaining a demotion order under section 82A.

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*Status: This is the original version (as it was originally enacted).*

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- (A2) A secure tenancy can be brought to an end by the landlord as mentioned in subsection (A1)(a) whether or not the tenancy contains terms for it to be brought to an end.”
  - (b) in subsection (1)(b), for “but” substitute “, other than one to which subsection (A1) applies, that is”;
  - (c) in subsection (2), after “subsection” insert “(A1)(a) or”.
- (3) In section 83 (proceedings for possession), in subsection (A1), for “82(1A)” substitute “82(A1) or (1A)”.

## **120 Succession to secure tenancies and related tenancies**

Schedule 8 changes the law about succession to secure tenancies, introductory tenancies and demoted tenancies.

## **121 Secure and assured tenancies: transfer of tenancy**

- (1) The Localism Act 2011 is amended as follows.
- (2) In section 158 of the Localism Act 2011 (secure and assured tenancies: transfer of tenancy)—
- (a) in subsection (3)(a), for “not a flexible tenancy” substitute “an old-style secure tenancy”;
  - (b) in subsection (4)(a), for “is a flexible tenancy” substitute “is not an old-style secure tenancy”;
  - (c) omit subsection (6);
  - (d) in subsection (7), for “fifth” substitute “fourth”;
  - (e) for subsections (8) and (9) substitute—
    - “(8) The new tenancy is to be granted on whatever terms the landlord determines.
    - (9) A landlord must, on request by a relevant tenant, inform the tenant of the terms on which a new tenancy will be granted to that tenant.
- (9A) Subsection (9B) applies in a case where—
- (a) the request was made before section 121 of the Housing and Planning Act 2016 came into force, and
  - (b) one or more of the landlords had not yet complied with the request when that section came into force.
- (9B) In that case any new tenancy granted in pursuance of this section to a relevant tenant whose existing tenancy is an old-style secure tenancy, or an assured tenancy that is not an assured shorthold tenancy, must be—
- (a) an old-style secure tenancy, or
  - (b) an assured tenancy that is not an assured shorthold tenancy, according to the landlord’s capacity to grant a tenancy of either kind.”
- (3) In section 159 (interpretation of section 158 etc), in subsection (6), omit paragraph (b).