

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* Housing and Planning Act 2016, Paragraph 4 is up to date with all changes known to be in force on or before 23 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

PROSPECTIVE

### SCHEDULE 7

#### SECURE TENANCIES ETC: PHASING OUT OF TENANCIES FOR LIFE

##### *Housing Act 1985 (c. 68)*

4 After section 81 insert—

##### *“Grant of new secure tenancies in England*

#### **81A New English secure tenancies to be between 2 and 10 years in general**

- (1) A person may grant a secure tenancy of a dwelling-house in England only if it is a tenancy for a fixed term that is—
  - (a) at least 2 years, and
  - (b) no longer than the permitted maximum length.
- (2) The permitted maximum length is 10 years, unless subsection (3) applies.
- (3) If the person granting the tenancy has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period—
  - (a) beginning with the day on which the tenancy is granted, and
  - (b) ending with the day on which the child will reach the age of 19.
- (4) If a person purports to grant a secure tenancy in breach of subsection (1), it takes effect as a tenancy for a fixed term of 5 years.
- (5) In deciding what length of tenancy to grant in a case to which this section applies a person must have regard to any guidance given by the Secretary of State.
- (6) This section does not apply to the grant of an old-style secure tenancy (as to which, see section 81B).

#### **81B Cases where old-style English secure tenancies may be granted**

- (1) A person may grant an old-style secure tenancy of a dwelling-house in England only—
  - (a) in circumstances specified in regulations made by the Secretary of State,
  - (b) in accordance with subsection (2), or

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Housing and Planning Act 2016, Paragraph 4 is up to date with all changes known to be in force on or before 23 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*

- (c) if required to do so by section 158(9B) of the Localism Act 2011 (which relates to transfer requests made before section 121 of the Housing and Planning Act 2016 comes into force).
- (2) A local housing authority that grants a secure tenancy of a dwelling-house in England must grant an old-style secure tenancy if—
  - (a) the tenancy is offered as a replacement for an old-style secure tenancy of some other dwelling-house, and
  - (b) the tenant has not made an application to move.
- (3) Other provisions of this Part set out the consequences of a tenancy being an old-style secure tenancy.
- (4) Regulations under subsection (1) may include transitional or saving provision.
- (5) Regulations under subsection (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

#### **81C Duty to offer new secure tenancy in limited circumstances**

- (1) This section applies where a change in circumstances means that a tenancy that is not a secure tenancy would become a secure tenancy but for the exception in paragraph 1ZA of Schedule 1.
- (2) The landlord must, within the period of 28 days, make the tenant a written offer of a secure tenancy in return for the tenant surrendering the original tenancy.
- (3) If the tenant accepts in writing within the period of 28 days beginning with the day on which the tenant receives the offer, the landlord must grant the secure tenancy on the tenant surrendering the original tenancy.

#### **81D Review of decisions about length of secure tenancies in England**

- (1) A person who is offered a secure tenancy of a dwelling-house in England (under section 81C or otherwise) may request a review under this section, unless the tenancy on offer is an old-style secure tenancy.
- (2) The sole purpose of a review under this section is to consider whether the length of the tenancy is in accordance with any policy that the prospective landlord has about the length of secure tenancies it grants.
- (3) The request must be made before the end of—
  - (a) the period of 21 days beginning with the day on which the person making the request first receives the offer, or
  - (b) such longer period as the prospective landlord may allow in writing.
- (4) On receiving the request the prospective landlord must carry out the review.
- (5) On completing the review the prospective landlord must —

---

**Status:** This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Housing and Planning Act 2016, Paragraph 4 is up to date with all changes known to be in force on or before 23 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

---

- (a) notify the tenant in writing of the outcome,
  - (b) revise its offer or confirm its original decision about the length of the tenancy, and
  - (c) if it decides to confirm its original decision, give reasons.
- (6) The Secretary of State may by regulations make provision about the procedure to be followed in connection with a review under this section.
- (7) The regulations may, in particular—
  - (a) require the review to be carried out by a person of appropriate seniority who was not involved in the original decision;
  - (b) make provision as to the circumstances in which the person who requested the review is entitled to an oral hearing, and whether and by whom that person may be represented.
- (8) Regulations under this section may include transitional or saving provision.
- (9) Regulations under this section are to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.”

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

Housing and Planning Act 2016, Paragraph 4 is up to date with all changes known to be in force on or before 23 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 the whole Act associated Parts and Chapters:**

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

- s. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)