

Status: This version of this provision is prospective.

Changes to legislation: Housing and Planning Act 2016, Section 121 is up to date with all changes known to be in force on or before 22 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



Housing and Planning Act 2016

2016 CHAPTER 22

PART 4

SOCIAL HOUSING IN ENGLAND

CHAPTER 6

SECURE TENANCIES ETC.

PROSPECTIVE

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—

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- (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).

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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\(8\)\(a\)\(ii\)](#)