
EXPLANATORY NOTE

(This note is not part of the Order)

Schedule 11 to the Housing and Regeneration Act 2008, which is introduced by section 299 of that Act, makes provision in relation to a tenant whose tenancy of a dwelling-house (“the original tenancy”) ended as a result of a possession order but who continues to live in the dwelling-house. Part 2 of Schedule 11 to that Act (“Part 2”) provides that, in the circumstances specified in that Part, a new tenancy is treated as arising between the ex-landlord and the ex-tenant on the commencement date. “The commencement date” is defined in paragraph 26 of Schedule 11 as the date on which section 299 comes into force for purposes other than making orders under Part 2. The provisions in Part 2 apply where, on that date the ex-landlord is entitled to let the dwelling-house.

This Order, which applies in relation to dwelling-houses in Wales, provides for Part 2 to apply, subject to specified modifications, to successor landlord cases. A successor landlord case is one where the ex-landlord’s interest in the dwelling-house was transferred to another person after the original tenancy ended but before “the commencement date” and, on that date, belongs to the initial transferee or a subsequent transferee (the “successor landlord”). In the circumstances specified in Part 2, as modified, on the date this Order comes into force, a new tenancy is treated as arising between the successor landlord and the ex-tenant.

A full Regulatory Impact Assessment has been prepared in connection with this Order. A copy can be obtained from Housing Directorate, Welsh Assembly Government, Rhydycar, Merthyr Tydfil CF48 1UZ (telephone 01685 729611).