

Status: Point in time view as at 01/12/2022.

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SCHEDULE 8 **E+W**

(introduced by sections 160 and 162)

ESTATE MANAGEMENT GROUNDS

PART 1 **E+W**

THE GROUNDS

REDEVELOPMENT GROUNDS

Ground A (building works)

- 1 The landlord intends, within a reasonable time of obtaining possession of the dwelling—
- (a) to demolish or reconstruct the building or part of the building comprising the dwelling, or
 - (b) to carry out work on that building or on land treated as part of the dwelling, and cannot reasonably do so without obtaining possession of the dwelling.

Commencement Information

- II** Sch. 8 para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground B (redevelopment schemes)

- 2 (1) This ground arises if the dwelling satisfies the first condition or the second condition.
- (2) The first condition is that the dwelling is in an area which is the subject of a redevelopment scheme approved in accordance with Part 2 of this Schedule, and the landlord intends within a reasonable time of obtaining possession to dispose of the dwelling in accordance with the scheme.
- (3) The second condition is that part of the dwelling is in such an area and the landlord intends within a reasonable time of obtaining possession to dispose of that part in accordance with the scheme, and for that purpose reasonably requires possession of the dwelling.

Commencement Information

- I2** Sch. 8 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

SPECIAL ACCOMMODATION GROUNDS

Ground C (charities)

- 3 (1) The landlord is a charity and the contract-holder's continued occupation of the dwelling would conflict with the objects of the charity.
- (2) But this ground is not available to the landlord (“L”) unless, at the time the contract was made and at all times after that, the person in the position of landlord (whether L or another person) has been a charity.

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- (3) In this paragraph “charity” has the same meaning as in the Charities Act 2011 (c. 25) (see section 1 of that Act).

Commencement Information

I3 Sch. 8 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground D (dwelling suitable for disabled people)

- 4 The dwelling has features which are substantially different from those of ordinary dwellings and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the dwelling and—
- (a) there is no longer such a person living in the dwelling, and
 - (b) the landlord requires the dwelling for occupation by such a person (whether alone or with members of that person's family).

Commencement Information

I4 Sch. 8 para. 4 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground E (housing associations and housing trusts: people difficult to house)

- 5 (1) The landlord is a housing association or housing trust which makes dwellings available only for occupation (whether alone or with others) by people who are difficult to house, and—
- (a) either there is no longer such a person living in the dwelling or a local housing authority has offered the contract-holder a right to occupy another dwelling under a secure contract, and
 - (b) the landlord requires the dwelling for occupation by such a person (whether alone or with members of that person's family).
- (2) A person is difficult to house if that person's circumstances (other than financial circumstances) make it especially difficult for him or her to satisfy his or her need for housing.

Commencement Information

I5 Sch. 8 para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground F (groups of dwellings for people with special needs)

- 6 The dwelling constitutes part of a group of dwellings which it is the practice of the landlord to make available for occupation by persons with special needs and—
- (a) a social service or special facility is provided in close proximity to the group of dwellings in order to assist persons with those special needs,
 - (b) there is no longer a person with those special needs living in the dwelling, and

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- (c) the landlord requires the dwelling for occupation by a person who has those special needs (whether alone or with members of his or her family).

Commencement Information

I6 Sch. 8 para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

UNDER-OCCUPATION GROUNDS

Ground G (reserve successors)

- 7 The contract-holder succeeded to the occupation contract under section 73 as a reserve successor (see sections 76 and 77), and the accommodation comprised in the dwelling is more extensive than is reasonably required by the contract-holder.

Commencement Information

I7 Sch. 8 para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground H (joint contract-holders)

- 8 (1) This ground arises if the first condition and the second condition are met.
- (2) The first condition is that a joint contract-holder's rights and obligations under the contract have been ended in accordance with—
- (a) section 111, 130 or 138 (withdrawal), or
 - (b) section 225, 227 or 230 (exclusion).
- (3) The second condition is that—
- (a) the accommodation comprised in the dwelling is more extensive than is reasonably required by the remaining contract-holder (or contract-holders), or
 - (b) where the landlord is a community landlord, the remaining contract-holder does not (or the remaining contract-holders do not) meet the landlord's criteria for the allocation of housing accommodation.

Commencement Information

I8 Sch. 8 para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

OTHER ESTATE MANAGEMENT REASONS

Ground I (other estate management reasons)

- 9 (1) This ground arises where it is desirable for some other substantial estate management reason that the landlord should obtain possession of the dwelling.
- (2) An estate management reason may, in particular, relate to—
- (a) all or part of the dwelling, or

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- (b) any other premises of the landlord to which the dwelling is connected, whether by reason of proximity or the purposes for which they are used, or in any other manner.

Commencement Information

I9 Sch. 8 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

FUNDAMENTAL PROVISION

Fundamental provision applicable to all occupation contracts

- 10 This Part of this Schedule is a fundamental provision which is incorporated as a term of all occupation contracts.

Commencement Information

I10 Sch. 8 para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 2 **E+W**

APPROVAL OF REDEVELOPMENT SCHEMES FOR PURPOSES OF GROUND B

Approval of scheme and of variation of scheme

- 11 (1) The Welsh Ministers may, on the application of a landlord, approve for the purposes of estate management Ground B a scheme for the disposal and redevelopment of an area of land consisting of or including the whole or part of a dwelling subject to an occupation contract.
- (2) For the purposes of this paragraph—
- (a) “disposal” means a disposal of any interest in the land (including the grant of an option), and
- (b) “redevelopment” means the demolition or reconstruction of buildings or the carrying out of other works to buildings or land,
- and it is immaterial whether the disposal is to precede or follow the redevelopment.
- (3) The Welsh Ministers may on the application of the landlord approve a variation of a scheme previously approved by them and may, amongst other things, approve a variation adding land to the area subject to the scheme.

Commencement Information

I11 Sch. 8 para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

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Notice to contract-holders affected

- 12 (1) If a landlord proposes to apply to the Welsh Ministers for the approval of a scheme or variation of an approved scheme, the landlord must give a notice to the contract-holder under any affected occupation contract.
- (2) An occupation contract is affected if the dwelling subject to it is affected by the proposal.
- (3) The notice must state—
- (a) the main features of the proposed scheme, or of the proposed variations of the approved scheme,
 - (b) that the landlord proposes to apply to the Welsh Ministers for approval of the scheme or variation, and
 - (c) that, because of section 160 and estate management Ground B, the effect of such approval will be to enable the landlord to make a possession claim in respect of the dwelling.
- (4) The notice must also inform the contract-holder that—
- (a) he or she may make representations to the landlord about the proposal, and
 - (b) the representations must be made before the end of the period of 28 days starting with the day on which the notice is given to him or her (or such longer period as the landlord may specify in the notice).
- (5) The landlord may not apply to the Welsh Ministers until the landlord has considered any representations made before the end of that period.
- (6) Sub-paragraph (7) applies in the case of a landlord under an occupation contract which would (but for this paragraph) be required under section 234 to consult the contract-holder as regards a redevelopment scheme (or a variation of a redevelopment scheme).
- (7) Where this sub-paragraph applies, this paragraph is to apply in relation to the landlord's consultation with the contract-holder instead of section 234.

Commencement Information

I12 Sch. 8 para. 12 in force at 1.12.2022 by S.I. 2022/906, art. 2

Decision on approval or variation

- 13 (1) In considering whether to give its approval to a scheme or variation the Welsh Ministers must, among other things, take into account—
- (a) the effect of the scheme on the extent and character of housing accommodation in the neighbourhood,
 - (b) the period of time proposed in the scheme as the period within which the proposed disposal and redevelopment will take place, and
 - (c) the extent to which the scheme includes provision for housing provided under the scheme to be sold to, or occupied under occupation contracts by, relevant persons.

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- (2) “Relevant persons” means existing contract-holders under an occupation contract with the landlord and, if the landlord is a community landlord, persons nominated by the landlord.
- (3) The Welsh Ministers must also take into account—
- (a) any representations made to them, and
 - (b) so far as they are brought to the Welsh Ministers' attention, any representations made to the landlord.
- (4) The landlord must give to the Welsh Ministers such information as to the representations made to the landlord, and other relevant matters, as the Welsh Ministers may request.

Commencement Information

I13 Sch. 8 para. 13 in force at 1.12.2022 by S.I. 2022/906, art. 2

Scheme affecting part of dwelling etc.

- 14 The Welsh Ministers may not approve a scheme or variation so as to include in the area subject to the scheme—
- (a) part only of any dwelling subject to an occupation contract, or
 - (b) any dwelling subject to an occupation contract that is not affected by the works involved in the redevelopment but is proposed to be disposed of along with other land which is so affected,
- unless they are satisfied that the inclusion is justified in the circumstances.

Commencement Information

I14 Sch. 8 para. 14 in force at 1.12.2022 by S.I. 2022/906, art. 2

Conditions in relation to approval

- 15 (1) The approval may be given subject to conditions and may be expressed to end after a specified period.
- (2) The Welsh Ministers, on the application of the landlord or otherwise, may vary an approval so as to—
- (a) add, remove or vary conditions to which the approval is subject, or
 - (b) extend or restrict the period after which the approval is to end.

Commencement Information

I15 Sch. 8 para. 15 in force at 1.12.2022 by S.I. 2022/906, art. 2

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Special provision for community landlords

- 16 For the purposes of this Part of this Schedule a community landlord is to be treated as being a landlord in relation to a dwelling if it has an interest of any description in that dwelling.

Commencement Information

I16 Sch. 8 para. 16 in force at 1.12.2022 by S.I. 2022/906, art. 2

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