

*Status: Point in time view as at 06/04/2014.*

*Changes to legislation: Housing Act 1988, Paragraph 12ZA is up to date with all changes known to be in force on or before 29 June 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)*

## SCHEDULES

### SCHEDULE 1

#### TENANCIES WHICH CANNOT BE ASSURED TENANCIES

##### Modifications etc. (not altering text)

- C1** Sch. 1 modified by [Local Government and Housing Act 1989](#) (c. 42, SIF 75:1), s. 186, Sch. 10 paras. 1(2), 21, **22**

### PART I

#### THE TENANCIES

##### *[<sup>F1</sup>Family intervention tenancies*

##### Textual Amendments

- F1** Sch. 1 para. 12ZA inserted (1.1.2009 for E., otherwise prosp.) by [Housing and Regeneration Act 2008](#) (c. 17), **ss. 297(2), 325**; S.I. 2008/3068, **art. 4(11)** (with arts. 6-13)

- 12ZA (1) A family intervention tenancy.
- (2) But a family intervention tenancy becomes an assured tenancy if the landlord notifies the tenant that it is to be regarded as an assured tenancy.
- (3) In this paragraph “ a family intervention tenancy ” means, subject to sub-paragraph (4), a tenancy granted by a [<sup>F2</sup>private registered provider] of social housing or a registered social landlord (“ the landlord ”) in respect of a dwelling-house—
- (a) to a person (“ the new tenant ”) against whom a possession order under section 7 in respect of another dwelling-house—
- (i) has been made, in relation to an assured tenancy, on ground 14 or 14A of Part 2 of Schedule 2;
- (ii) could, in the opinion of the landlord, have been so made in relation to such a tenancy; or
- (iii) could, in the opinion of the landlord, have been so made if the person had had such a tenancy; and
- (b) for the purposes of the provision of behaviour support services.
- (4) A tenancy is not a family intervention tenancy for the purposes of this paragraph if the landlord has failed to serve a notice under sub-paragraph (5) on the new tenant before the new tenant entered into the tenancy.
- (5) A notice under this sub-paragraph is a notice stating—

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- (a) the reasons for offering the tenancy to the new tenant;
  - (b) the dwelling-house in respect of which the tenancy is to be granted;
  - (c) the other main terms of the tenancy (including any requirements on the new tenant in respect of behaviour support services);
  - (d) the security of tenure available under the tenancy and any loss of security of tenure which is likely to result from the new tenant agreeing to enter into the tenancy;
  - (e) that the new tenant is not obliged to enter into the tenancy or (unless otherwise required to do so) to surrender any existing tenancy or possession of a dwelling-house;
  - (f) any likely action by the landlord if the new tenant does not enter into the tenancy or surrender any existing tenancy or possession of a dwelling-house.
- (6) The appropriate national authority may by regulations made by statutory instrument amend sub-paragraph (5).
- (7) A notice under sub-paragraph (5) must contain advice to the new tenant as to how the new tenant may be able to obtain assistance in relation to the notice.
- (8) The appropriate national authority may by regulations made by statutory instrument make provision about the type of advice to be provided in such notices.
- (9) Regulations under this paragraph may contain such transitional, transitory or saving provision as the appropriate national authority considers appropriate.
- (10) A statutory instrument containing (whether alone or with other provision) regulations under this paragraph which amend or repeal any of paragraphs (a) to (f) of sub-paragraph (5) may not be made—
- (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament; and
  - (b) by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Subject to this, a statutory instrument containing regulations made under this paragraph—
- (a) by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) In this paragraph—
- “appropriate national authority”—
    - (a) in relation to England, means the Secretary of State; and
    - (b) in relation to Wales, means the Welsh Ministers;
  - “behaviour support agreement ” means an agreement in writing about behaviour and the provision of support services made between the new tenant, the landlord and the local housing authority for the district in which the dwelling-house which is to be subject to the new tenancy is situated (or between persons who include those persons);
  - “behaviour support services ” means relevant support services to be provided by any person to—
    - (a) the new tenant; or

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(b) any person who is to reside with the new tenant;

for the purpose of addressing the kind of behaviour which led to the new tenant falling within sub-paragraph (3)(a);

“ family intervention tenancy ” has the meaning given by sub-paragraph (3);

“ landlord ” has the meaning given by sub-paragraph (3);

“local housing authority” (and the reference to its district) has the same meaning as in the Housing Act 1985 (see sections 1 and 2(1) of that Act);

“ the new tenant ” has the meaning given by sub-paragraph (3)(a);

“ registered social landlord ” has the same meaning as in Part 1 of the Housing Act 1996;

“ relevant support services ” means support services of a kind identified in a behaviour support agreement and designed to meet such needs of the recipient as are identified in the agreement. ]

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**Textual Amendments**

**F2** Words in [Sch. 1 para. 12ZA\(3\)](#) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 21\(4\)](#)

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