

**Changes to legislation:** Housing Act 1988, Part II is up to date with all changes known to be in force on or before 20 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) View outstanding changes

## SCHEDULES

### SCHEDULE 4 **E+W**

#### STATUTORY TENANTS: SUCCESSION

#### PART II **E+W**

#### AMENDMENTS OF SECTION 4 OF <sup>M1</sup>RENT (AGRICULTURE) ACT 1976

##### Marginal Citations

**M1** 1976 c. 80.

- 10 In subsection (2) the words “or, as the case may be, subsection (4)” shall be omitted.
- 11 In subsection (4)—
- (a) in paragraph (b) after the words “residing with him” there shall be inserted “in the dwelling-house ” and for the words “period of six months” there shall be substituted “period of 2 years ”; and
  - (b) for the words from “the statutory tenant” onwards there shall be substituted “entitled to an assured tenancy of the dwelling-house by succession ”.
- 12 In subsection (5) for the words “subsections (1), (3) and (4)” there shall be substituted “subsections (1) and (3) ” and after that subsection there shall be inserted the following subsections—
- “(5A) For the purposes of subsection (3) above, a person who was living with the original occupier as his or her wife or husband shall be treated as the spouse of the original occupier and, subject to subsection (5B) below, the references in subsection (3) above to a widow and in subsection (4) above to a surviving spouse shall be construed accordingly.
  - (5B) If, immediately after the death of the original occupier, there is, by virtue of subsection (5A) above, more than one person who fulfils the conditions in subsection (3) above, such one of them as may be decided by agreement or, in default of agreement by the county court, shall be the statutory tenant by virtue of that subsection.
  - (5C) If the original occupier died within the period of 18 months beginning on the operative date, then, for the purposes of subsection (3) above, a person who was residing in the dwelling-house with the original occupier at the time of his death and for the period which began 6 months before the operative date and ended at the time of his death shall be taken to have been residing with the original occupier for the period of 2 years immediately before his death; and in this subsection “the operative date” means the date on which Part I of the Housing Act 1988 came into force.”

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)