



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

#### CHAPTER I

#### ASSURED TENANCIES

#### *Security of tenure*

#### **[<sup>F1</sup>10A Power to order transfer of tenancy in certain cases**

- (1) This section applies on an application for an order for possession of a dwelling-house let on an assured tenancy if the court is satisfied that—
  - (a) Ground 7B in Schedule 2 is established,
  - (b) no other ground in that Schedule is established, or one or more grounds in Part 2 of that Schedule are established but it is not reasonable to make an order for possession on that ground or those grounds,
  - (c) the tenancy is a joint tenancy, and
  - (d) one or more of the tenants is a qualifying tenant.
- (2) In subsection (1)(d) “qualifying tenant” means a person who (within the meaning of Ground 7B) is not disqualified as a result of the person's immigration status from occupying the dwelling-house under the tenancy.
- (3) The court may, instead of making an order for possession, order that the tenant's interest under the tenancy is to be transferred so that it is held—
  - (a) if there is one qualifying tenant, by the qualifying tenant as sole tenant, or
  - (b) if there is more than one qualifying tenant, by all of them as joint tenants.
- (4) The effect of an order under this section is that, from the time the order takes effect, the qualifying tenant or tenants—

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**Changes to legislation:** *Housing Act 1988, Section 10A is up to date with all changes known to be in force on or before 03 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*

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- (a) are entitled to performance of the landlord's covenants under the tenancy, and
  - (b) are liable to perform the tenant's covenants under the tenancy.
- (5) The effect of an order under this section is that, from the time it takes effect, any other person who was a tenant under the tenancy before the order took effect—
- (a) ceases to be entitled to performance of the landlord's covenants under the tenancy, or
  - (b) ceases to be liable to perform the tenant's covenants under the tenancy.
- (6) Subsection (5) does not remove any right or liability of the person which accrued before the order took effect.
- (7) An order under this section does not operate to create a new tenancy as between the landlord and the qualifying tenant or tenants.
- (8) In particular, if the tenancy is a fixed term tenancy, the term comes to an end at the same time as if the order had not been made.]

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**Textual Amendments**

- F1** [S. 10A](#) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), [ss. 41\(5\)](#), [94\(1\)](#) (with [s. 41\(7\)](#)); [S.I. 2016/1037](#), [reg. 5\(e\)](#)

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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](#)