



Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER I

ASSURED TENANCIES

Miscellaneous

17 Succession to assured periodic tenancy by spouse

- (1) In any case where—
- (a) the sole tenant under an assured periodic tenancy dies, and
 - (b) immediately before the death, the tenant's spouse was occupying the dwelling-house as his or her only or principal home, and
 - (c) the tenant was not himself a successor, as defined in subsection (2) or subsection (3) below,
- then, on the death, the tenancy vests by virtue of this section in the spouse (and, accordingly, does not devolve under the tenant's will or intestacy).
- (2) For the purposes of this section, a tenant is a successor in relation to a tenancy if—
- (a) the tenancy became vested in him either by virtue of this section or under the will or intestacy of a previous tenant; or
 - (b) at some time before the tenant's death the tenancy was a joint tenancy held by himself and one or more other persons and, prior to his death, he became the sole tenant by survivorship; or
 - (c) he became entitled to the tenancy as mentioned in section 39(5) below.

Status: This is the original version (as it was originally enacted).

- (3) For the purposes of this section, a tenant is also a successor in relation to a tenancy (in this subsection referred to as “the new tenancy”) which was granted to him (alone or jointly with others) if—
- (a) at some time before the grant of the new tenancy, he was, by virtue of subsection (2) above, a successor in relation to an earlier tenancy of the same or substantially the same dwelling-house as is let under the new tenancy; and
 - (b) at all times since he became such a successor he has been a tenant (alone or jointly with others) of the dwelling-house which is let under the new tenancy or of a dwelling-house which is substantially the same as that dwelling-house.
- (4) For the purposes of this section, a person who was living with the tenant as his or her wife or husband shall be treated as the tenant’s spouse.
- (5) If, on the death of the tenant, there is, by virtue of subsection (4) above, more than one person who fulfils the condition in subsection (1)(b) above, such one of them as may be decided by agreement or, in default of agreement, by the county court shall be treated as the tenant’s spouse for the purposes of this section.