



# Housing Act 1996

## 1996 CHAPTER 52

### PART V

#### CONDUCT OF TENANTS

#### CHAPTER I

##### INTRODUCTORY TENANCIES

###### *General provisions*

#### **124** **Introductory tenancies.**

- (1) A local housing authority or a housing action trust may elect to operate an introductory tenancy regime.
- (2) When such an election is in force, every periodic tenancy of a dwelling-house entered into or adopted by the authority or trust shall, if it would otherwise be a secure tenancy, be an introductory tenancy, unless immediately before the tenancy was entered into or adopted the tenant or, in the case of joint tenants, one or more of them was—
  - (a) a secure tenant of the same or another dwelling-house, or
  - (b) an assured tenant of a registered social landlord (otherwise than under an assured shorthold tenancy) in respect of the same or another dwelling-house.
- (3) Subsection (2) does not apply to a tenancy entered into or adopted in pursuance of a contract made before the election was made.
- (4) For the purposes of this Chapter a periodic tenancy is adopted by a person if that person becomes the landlord under the tenancy, whether on a disposal or surrender of the interest of the former landlord.
- (5) An election under this section may be revoked at any time, without prejudice to the making of a further election.

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*Status: Point in time view as at 01/09/1997.*

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## **125 Duration of introductory tenancy.**

- (1) A tenancy remains an introductory tenancy until the end of the trial period, unless one of the events mentioned in subsection (5) occurs before the end of that period.
- (2) The “trial period” is the period of one year beginning with—
  - (a) in the case of a tenancy which was entered into by a local housing authority or housing action trust—
    - (i) the date on which the tenancy was entered into, or
    - (ii) if later, the date on which a tenant was first entitled to possession under the tenancy; or
  - (b) in the case of a tenancy which was adopted by a local housing authority or housing action trust, the date of adoption;
 subject as follows.
- (3) Where the tenant under an introductory tenancy was formerly a tenant under another introductory tenancy, or held an assured shorthold tenancy from a registered social landlord, any period or periods during which he was such a tenant shall count towards the trial period, provided—
  - (a) if there was one such period, it ended immediately before the date specified in subsection (2), and
  - (b) if there was more than one such period, the most recent period ended immediately before that date and each period succeeded the other without interruption.
- (4) Where there are joint tenants under an introductory tenancy, the reference in subsection (3) to the tenant shall be construed as referring to the joint tenant in whose case the application of that subsection produces the earliest starting date for the trial period.
- (5) A tenancy ceases to be an introductory tenancy if, before the end of the trial period—
  - (a) the circumstances are such that the tenancy would not otherwise be a secure tenancy,
  - (b) a person or body other than a local housing authority or housing action trust becomes the landlord under the tenancy,
  - (c) the election in force when the tenancy was entered into or adopted is revoked, or
  - (d) the tenancy ceases to be an introductory tenancy by virtue of section 133(3) (succession).
- (6) A tenancy does not come to an end merely because it ceases to be an introductory tenancy, but a tenancy which has once ceased to be an introductory tenancy cannot subsequently become an introductory tenancy.
- (7) This section has effect subject to section 130 (effect of beginning proceedings for possession).

## **126 Licences.**

- (1) The provisions of this Chapter apply in relation to a licence to occupy a dwelling-house (whether or not granted for a consideration) as they apply in relation to a tenancy.

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- (2) Subsection (1) does not apply to a licence granted as a temporary expedient to a person who entered the dwelling-house or any other land as a trespasser (whether or not, before the grant of that licence, another licence to occupy that or another dwelling-house had been granted to him).

#### *Proceedings for possession*

### **127 Proceedings for possession.**

- (1) The landlord may only bring an introductory tenancy to an end by obtaining an order of the court for the possession of the dwelling-house.
- (2) The court shall make such an order unless the provisions of section 128 apply.
- (3) Where the court makes such an order, the tenancy comes to an end on the date on which the tenant is to give up possession in pursuance of the order.

### **128 Notice of proceedings for possession.**

- (1) The court shall not entertain proceedings for the possession of a dwelling-house let under an introductory tenancy unless the landlord has served on the tenant a notice of proceedings complying with this section.
- (2) The notice shall state that the court will be asked to make an order for the possession of the dwelling-house.
- (3) The notice shall set out the reasons for the landlord's decision to apply for such an order.
- (4) The notice shall specify a date after which proceedings for the possession of the dwelling-house may be begun.

The date so specified must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.

- (5) The court shall not entertain any proceedings for possession of the dwelling-house unless they are begun after the date specified in the notice of proceedings.
- (6) The notice shall inform the tenant of his right to request a review of the landlord's decision to seek an order for possession and of the time within which such a request must be made.
- (7) The notice shall also inform the tenant that if he needs help or advice about the notice, and what to do about it, he should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor.

### **129 Review of decision to seek possession.**

- (1) A request for review of the landlord's decision to seek an order for possession of a dwelling-house let under an introductory tenancy must be made before the end of the period of 14 days beginning with the day on which the notice of proceedings is served.
- (2) On a request being duly made to it, the landlord shall review its decision.

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- (3) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under this section.

Nothing in the following provisions affects the generality of this power.

- (4) Provision may be made by regulations—
- (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and
  - (b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.
- (5) The landlord shall notify the person concerned of the decision on the review.

If the decision is to confirm the original decision, the landlord shall also notify him of the reasons for the decision.

- (6) The review shall be carried out and the tenant notified before the date specified in the notice of proceedings as the date after which proceedings for the possession of the dwelling-house may be begun.

#### Commencement Information

- II** S. 129 wholly in force 4.2.1997: s. 129 not in force at Royal Assent, see s. 232(1)-(3); s. 129(3)(4) in force at 1.10.1996 by [S.I. 1996/2402](#), [art. 3](#) (with transitional provisions and savings in the [Sch.](#)); s. 129(1)(2)(5)(6) in force at 4.2.1997 by [S.I. 1997/66](#), [art. 2](#)

### 130 Effect of beginning proceedings for possession.

- (1) This section applies where the landlord has begun proceedings for the possession of a dwelling-house let under an introductory tenancy and—
- (a) the trial period ends, or
  - (b) any of the events specified in section 125(5) occurs (events on which a tenancy ceases to be an introductory tenancy).
- (2) Subject to the following provisions, the tenancy remains an introductory tenancy until—
- (a) the tenancy comes to an end in pursuance of section 127(3) (that is, on the date on which the tenant is to give up possession in pursuance of an order of the court), or
  - (b) the proceedings are otherwise finally determined.
- (3) If any of the events specified in section 125(5)(b) to (d) occurs, the tenancy shall thereupon cease to be an introductory tenancy but—
- (a) the landlord (or, as the case may be, the new landlord) may continue the proceedings, and
  - (b) if he does so, section 127(2) and (3) (termination by landlord) apply as if the tenancy had remained an introductory tenancy.
- (4) Where in accordance with subsection (3) a tenancy ceases to be an introductory tenancy and becomes a secure tenancy, the tenant is not entitled to exercise the right to buy under Part V of the <sup>M1</sup>Housing Act 1985 unless and until the proceedings are

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finally determined on terms such that he is not required to give up possession of the dwelling-house.

- (5) For the purposes of this section proceedings shall be treated as finally determined if they are withdrawn or any appeal is abandoned or the time for appealing expires without an appeal being brought.

#### Marginal Citations

M1 1985 c. 68.

### *Succession on death of tenant*

#### **131 Persons qualified to succeed tenant.**

A person is qualified to succeed the tenant under an introductory tenancy if he occupies the dwelling-house as his only or principal home at the time of the tenant's death and either—

- (a) he is the tenant's spouse, or
- (b) he is another member of the tenant's family and has resided with the tenant throughout the period of twelve months ending with the tenant's death;

unless, in either case, the tenant was himself a successor, as defined in section 132.

#### **132 Cases where the tenant is a successor.**

- (1) The tenant is himself a successor if—
- (a) the tenancy vested in him by virtue of section 133 (succession to introductory tenancy),
  - (b) he was a joint tenant and has become the sole tenant,
  - (c) he became the tenant on the tenancy being assigned to him (but subject to subsections (2) and (3)), or
  - (d) he became the tenant on the tenancy being vested in him on the death of the previous tenant.
- (2) A tenant to whom the tenancy was assigned in pursuance of an order under section 24 of the <sup>M2</sup>Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings) or section 17(1) of the <sup>M3</sup>Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.) is a successor only if the other party to the marriage was a successor.
- (3) Where within six months of the coming to an end of an introductory tenancy ("the former tenancy") the tenant becomes a tenant under another introductory tenancy, and—
- (a) the tenant was a successor in relation to the former tenancy, and
  - (b) under the other tenancy either the dwelling-house or the landlord, or both, are the same as under the former tenancy,
- the tenant is also a successor in relation to the other tenancy unless the agreement creating that tenancy otherwise provides.

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**Marginal Citations**

**M2** 1973 c. 18.

**M3** 1984 c. 42.

**133 Succession to introductory tenancy.**

- (1) This section applies where a tenant under an introductory tenancy dies.
- (2) Where there is a person qualified to succeed the tenant, the tenancy vests by virtue of this section in that person, or if there is more than one such person in the one to be preferred in accordance with the following rules—
  - (a) the tenant’s spouse is to be preferred to another member of the tenant’s family;
  - (b) of two or more other members of the tenant’s family such of them is to be preferred as may be agreed between them or as may, where there is no such agreement, be selected by the landlord.
- (3) Where there is no person qualified to succeed the tenant, the tenancy ceases to be an introductory tenancy—
  - (a) when it is vested or otherwise disposed of in the course of the administration of the tenant’s estate, unless the vesting or other disposal is in pursuance of an order made under—
    - (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders made in connection with matrimonial proceedings),
    - (ii) section 17(1) of the <sup>M4</sup>Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
    - (iii) paragraph 1 of Schedule 1 to the <sup>M5</sup>Children Act 1989 (orders for financial relief against parents); or
  - (b) when it is known that when the tenancy is so vested or disposed of it will not be in pursuance of such an order.

**Marginal Citations**

**M4** 1984 c. 42.

**M5** 1989 c. 41.

*Assignment*

**134 Assignment in general prohibited.**

- (1) An introductory tenancy is not capable of being assigned except in the cases mentioned in subsection (2).
- (2) The exceptions are—
  - (a) an assignment in pursuance of an order made under—
    - (i) section 24 of the <sup>M6</sup>Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
    - (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or

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- (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);
  - (b) an assignment to a person who would be qualified to succeed the tenant if the tenant died immediately before the assignment.
- (3) Subsection (1) also applies to a tenancy which is not an introductory tenancy but would be if the tenant, or where the tenancy is a joint tenancy, at least one of the tenants, were occupying or continuing to occupy the dwelling-house as his only or principal home.

**Marginal Citations**

M6 1973 c. 18.

*Repairs*

**135 Right to carry out repairs.**

The Secretary of State may by regulations under section 96 of the <sup>M7</sup>Housing Act 1985 (secure tenants: right to carry out repairs) apply to introductory tenants any provision made under that section in relation to secure tenants.

**Marginal Citations**

M7 1985 c. 68.

*Provision of information and consultation*

**136 Provision of information about tenancies.**

- (1) Every local housing authority or housing action trust which lets dwelling-houses under introductory tenancies shall from time to time publish information about its introductory tenancies, in such form as it considers best suited to explain in simple terms, and, so far as it considers it appropriate, the effect of—
- (a) the express terms of its introductory tenancies,
  - (b) the provisions of this Chapter, and
  - (c) the provisions of sections 11 to 16 of the <sup>M8</sup>Landlord and Tenant Act 1985 (landlord's repairing obligations),
- and shall ensure that so far as is reasonably practicable the information so published is kept up to date.
- (2) The landlord under an introductory tenancy shall supply the tenant with—
- (a) a copy of the information for introductory tenants published by it under subsection (1), and
  - (b) a written statement of the terms of the tenancy, so far as they are neither expressed in the lease or written tenancy agreement (if any) nor implied by law;
- and the statement required by paragraph (b) shall be supplied on the grant of the tenancy or as soon as practicable afterwards.

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**Marginal Citations**

**M8** 1985 c. 70.

**137 Consultation on matters of housing management.**

- (1) This section applies in relation to every local housing authority and housing action trust which lets dwelling-houses under introductory tenancies and which is a landlord authority for the purposes of Part IV of the <sup>M9</sup>Housing Act 1985 (secure tenancies).
- (2) The authority or trust shall maintain such arrangements as it considers appropriate to enable those of its introductory tenants who are likely to be substantially affected by a relevant matter of housing management—
  - (a) to be informed of the proposals of the authority or trust in respect of the matter, and
  - (b) to make their views known to the authority or trust within a specified period; and the authority or trust shall, before making a decision on the matter, consider any representations made to it in accordance with those arrangements.
- (3) A matter is one of housing management if, in the opinion of the authority or trust concerned, it relates to—
  - (a) the management, improvement, maintenance or demolition of dwelling-houses let by the authority or trust under introductory or secure tenancies, or
  - (b) the provision of services or amenities in connection with such dwelling-houses;
 but not so far as it relates to the rent payable under an introductory or secure tenancy or to charges for services or facilities provided by the authority or trust.
- (4) A matter is relevant if, in the opinion of the authority or trust concerned, it represents—
  - (a) a new programme of maintenance, improvement or demolition, or
  - (b) a change in the practice or policy of the authority or trust,
 and is likely substantially to affect either its introductory tenants as a whole or a group of them who form a distinct social group or occupy dwelling-houses which constitute a distinct class (whether by reference to the kind of dwelling-house, or the housing estate or other larger area in which they are situated).
- (5) In the case of a local housing authority, the reference in subsection (3) to the provision of services or amenities is a reference only to the provision of services or amenities by the authority acting in its capacity as landlord of the dwelling-houses concerned.
- (6) The authority or trust shall publish details of the arrangements which it makes under this section, and a copy of the documents published under this subsection shall—
  - (a) be made available at its principal office for inspection at all reasonable hours, without charge, by members of the public, and
  - (b) be given, on payment of a reasonable fee, to any member of the public who asks for one.

**Marginal Citations**

**M9** 1985 c. 68.



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## Supplementary

### 138 Jurisdiction of county court.

- (1) A county court has jurisdiction to determine questions arising under this Chapter and to entertain proceedings brought under this Chapter and claims, for whatever amount, in connection with an introductory tenancy.
- (2) That jurisdiction includes jurisdiction to entertain proceedings as to whether a statement supplied in pursuance of section 136(2)(b) (written statement of certain terms of tenancy) is accurate notwithstanding that no other relief is sought than a declaration.
- (3) If a person takes proceedings in the High Court which, by virtue of this section, he could have taken in the county court, he is not entitled to recover any costs.
- (4) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to this section.
- (5) The rules and directions may provide—
  - (a) for the exercise by a district judge of a county court of any jurisdiction exercisable under this section, and
  - (b) for the conduct of proceedings in private.
- (6) The power to make rules is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

- I2** S. 138 wholly in force 4.2.1997; s. 138 not in force at Royal Assent, see s. 232(1)-(3); s. 138(4)-(6) in force at 1.10.1996 by [S.I. 1996/2402](#), [art. 3](#) (with transitional provisions and savings in the [Sch.](#)); s. 138(1)-(3) in force at 4.2.1997 by [S.I. 1997/66](#), [art. 2](#)

### 139 Meaning of “dwelling-house”.

- (1) For the purposes of this Chapter a dwelling-house may be a house or a part of a house.
- (2) Land let together with a dwelling-house shall be treated for the purposes of this Chapter as part of the dwelling-house unless the land is agricultural land which would not be treated as part of a dwelling-house for the purposes of Part IV of the <sup>M10</sup>Housing Act 1985 (see section 112(2) of that Act).

#### Marginal Citations

- M10** 1985 c. 68.

### 140 Members of a person’s family: Chapter I.

- (1) A person is a member of another’s family within the meaning of this Chapter if—
  - (a) he is the spouse of that person, or he and that person live together as husband and wife, or

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- (b) he is that person’s parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purpose of subsection (1)(b)—
  - (a) a relationship by marriage shall be treated as a relationship by blood,
  - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood, and
  - (c) the stepchild of a person shall be treated as his child.

#### 141 Consequential amendments: introductory tenancies.

- (1) The enactments mentioned in Schedule 14 have effect with the amendments specified there which are consequential on the provisions of this Chapter.
- (2) The Secretary of State may by order make such other amendments or repeals of any enactment as appear to him necessary or expedient in consequence of the provisions of this Chapter.
- (3) Without prejudice to the generality of subsection (2), an order under that subsection may make such provision in relation to an enactment as the Secretary of State considers appropriate as regards its application (with or without modifications) or non-application in relation to introductory tenants or introductory tenancies.

#### Commencement Information

- I3** S. 14 wholly in force 4.2.1997; s. 141 not in force at Royal Assent, see s. 232(1)-(3); s. 141(2)(3) in force at 1.10.1996 by [S.I. 1996/2402](#), [art. 3](#) (with transitional provisions and savings in the [Sch.](#)); s. 141(1) in force at 4.2.1997 by [S.I. 1997/66](#), [art. 2](#)

#### 142 Regulations and orders.

Any regulations or order under this Part—

- (a) may contain such incidental, supplementary or transitional provisions, or savings, as the Secretary of State thinks fit, and
- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### 143 Index of defined expressions: introductory tenancies.

The following Table shows provisions defining or otherwise explaining provisions used in this Chapter (other than provisions defining or explaining an expression in the same section)—

adopt (in relation to periodic tenancy)	section 124(4)
assured tenancy and assured shorthold tenancy	section 230
dwelling-house	section 139
housing action trust	section 230

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introductory tenancy and introductory tenant	section 124
local housing authority	section 230
member of family	section 140
registered social landlord	section 2
secure tenancy and secure tenant	section 230

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