



# 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
  - [<sup>F1</sup>(b) a tenant under a relevant assured tenancy, other than an assured shorthold tenancy, of the same or another dwelling-house.]

[<sup>F2</sup>(2A) In subsection (2)(b) “relevant assured tenancy” means—

- (a) an assured tenancy in respect of social housing under which the landlord is a private registered provider of social housing, or
  - (b) an assured tenancy under which the landlord is a registered social landlord; and for these purposes “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.]
- (3) Subsection (2) does not apply to a tenancy entered into or adopted in pursuance of a contract made before the election was made.

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- (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.

#### Textual Amendments

- F1** S. 124(2)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 96(2)** (with art. 6, Sch. 3)
- F2** S. 124(2A) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 96(3)** (with art. 6, Sch. 3)

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

- C1** S. 124 modified (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5)(b), **Sch. 7 para. 12(6)(b)** (with Sch. 7 para. 12(9)); S.I. 2006/1060, art. 2(1)(a) (with Sch.); S.I. 2006/1535, art. 2(a) (with Sch.)
- C2** S. 124 modified (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5)(b), **Sch. 7 para. 4(6)(b)**; S.I. 2006/1060, art. 2(1)(a) (with Sch.); S.I. 2006/1535, art. 2(a) (with Sch.)

### 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;

<sup>[F3]</sup> but this is subject to subsections (3) and (4) and to section 125A (extension of trial period by 6 months). ] .
- (3) Where the tenant under an introductory tenancy was formerly a tenant under another introductory tenancy, <sup>[F4]</sup>or a relevant assured shorthold tenancy], 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.

<sup>[F5]</sup>(3A) In subsection (3) “relevant assured shorthold tenancy” means—

- (a) an assured shorthold tenancy in respect of social housing under which the landlord is a private registered provider of social housing, or

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- (b) an assured shorthold tenancy under which the landlord is a registered social landlord;  
and for these purposes “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.]
- (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).

#### Textual Amendments

- F3** Words in s. 125(2) substituted (6.6.2005 for E., 25.11.2005 for W.) by [Housing Act 2004 \(c. 34\), ss. 179\(2\), 270\(4\), \(5\)\(c\)](#) (with s. 179(4)); S.I. 2005/1451, art. 2(a); S.I. 2005/3237, arts. 1(2), 2(f)
- F4** Words in s. 125(3) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 97\(2\)](#) (with art. 6, Sch. 3)
- F5** S. 125(3A) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 97\(3\)](#) (with art. 6, Sch. 3)

#### [<sup>F6</sup>125A Extension of trial period by 6 months

- (1) If both of the following conditions are met in relation to an introductory tenancy, the trial period is extended by 6 months.
- (2) The first condition is that the landlord has served a notice of extension on the tenant at least 8 weeks before the original expiry date.
- (3) The second condition is that either—
- (a) the tenant has not requested a review under section 125B in accordance with subsection (1) of that section, or
  - (b) if he has, the decision on the review was to confirm the landlord’s decision to extend the trial period.
- (4) A notice of extension is a notice—
- (a) stating that the landlord has decided that the period for which the tenancy is to be an introductory tenancy should be extended by 6 months, and

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- (b) complying with subsection (5).
- (5) A notice of extension must—
  - (a) set out the reasons for the landlord’s decision, and
  - (b) inform the tenant of his right to request a review of the landlord’s decision and of the time within which such a request must be made.
- (6) In this section and section 125B “the original expiry date” means the last day of the period of one year that would apply as the trial period apart from this section.

**Textual Amendments**

**F6** Ss. 125A, 125B inserted (18.11.2004 for specified purposes) by [Housing Act 2004 \(c. 34\)](#), **ss. 179(3), 270(2)(b)** (with [s. 179\(4\)](#))

**125B Review of decision to extend trial period**

- (1) A request for review of the landlord’s decision that the trial period for an introductory tenancy should be extended under section 125A must be made before the end of the period of 14 days beginning with the day on which the notice of extension is served.
- (2) On a request being duly made to it, the landlord shall review its decision.
- (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 tenant 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 original expiry date.]

**Textual Amendments**

**F6** Ss. 125A, 125B inserted (18.11.2004 for specified purposes) by [Housing Act 2004 \(c. 34\)](#), **ss. 179(3), 270(2)(b)** (with [s. 179\(4\)](#))

**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.
- (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,

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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 [<sup>F7</sup>—
- (a) an order of the court for the possession of the dwelling-house, and
  - (b) the execution of the order.]

[<sup>F8</sup>(1A) In such a case, the tenancy ends when the order is executed.]

- (2) The court shall make [<sup>F9</sup>an order of the kind mentioned in subsection (1)(a)] unless the provisions of section 128 apply.

<sup>F10</sup>(3) . . . . .

#### **Textual Amendments**

- F7** Words in s. 127(1) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 11\(2\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3
- F8** S. 127(1A) inserted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 11\(3\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3
- F9** Words in s. 127(2) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 11\(4\)](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3
- F10** S. 127(3) repealed (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 11 para. 11\(5\)](#), [Sch. 16](#) (with [Sch. 11 para. 14](#)); S.I. 2009/1261, arts. 2, 3

## **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.

[<sup>F11</sup>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.]

[<sup>F12</sup>(4A) The date specified in accordance with subsection (4)—

- (a) must not be earlier than the end of the period of—
  - (i) in relation to a dwelling-house in England, the relevant notice period beginning with the date on which the notice of proceedings is served, and

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- (ii) in relation to a dwelling-house in Wales—
    - (aa) four weeks beginning with the date on which the notice of proceedings is served where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), and
    - (ab) in any other case, six months from the date on which the notice of proceedings is served, and
  - (b) 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.
- [<sup>F13</sup>(8) In this section—
- “relevant notice period” means—
- (a) where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), four weeks,
  - (aa) where paragraph (a) does not apply and the landlord has specified in the notice of proceedings a reason for applying for a possession order which corresponds to Ground 5 of Schedule 2 to the Housing Act 1985 (whether or not the landlord has any other reason), four weeks,
  - (b) where paragraphs (a) and (aa) do not apply and the landlord has specified in the notice of proceedings only a reason for applying for a possession order which corresponds to Ground 1 of Schedule 2 to the Housing Act 1985 and at the time the notice is served—
    - (i) at least four months’ rent is unpaid, four weeks,
    - (ii) less than four months’ rent is unpaid, and the notice is served on or after 1 August 2021, two months, and
  - (c) in any other case, four months;
- “ASB reason” means, in relation to a dwelling-house in England, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2, 2ZA and 2A of Schedule 2 to that Act and, in relation to a dwelling-house in Wales, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2 and 2A of Schedule 2 to that Act.]

#### Textual Amendments

- F11** Words in s. 128(4) omitted (temp.) (26.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 29 paras. 1, 8\(a\)](#) (with [ss. 88-90](#)) (as amended: (W.) (29.9.2020) by [S.I. 2020/1044, regs. 1\(2\), 3](#) (with [reg. 17](#)); (31.3.2021) by [S.I. 2021/284, regs. 1\(2\), 2](#) and [S.I. 2021/377, regs. 1\(2\), 2](#); (E.) (1.6.2021) by [S.I. 2021/564, regs. 1\(2\), 2\(2\)](#); and (W.) (30.6.2021) by [S.I. 2021/708, regs. 1\(2\), 2](#))

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- F12** S. 128(4A) inserted (temp.) (26.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 29 paras. 1, **8(b)** (with ss. 88-90) (as amended: (E.) (28.8.2020) by S.I. 2020/914, regs. 1(2), **3(2)(8)(b)** (with reg. 4); (W.) (29.9.2020) by S.I. 2020/1044, regs. 1(2), **3**, 11(2) (with reg. 17); (31.3.2021) by S.I. 2021/284, regs. 1(2), **2** and S.I. 2021/377, regs. 1(2), **2**; (E.) (1.6.2021) by S.I. 2021/564, regs. 1(2), **2(2)**; and (W.) (30.6.2021) by S.I. 2021/708, regs. 1(2), **2**)
- F13** S. 128(8) inserted (temp.) by virtue of Coronavirus Act 2020 (c. 7), Sch. 29 paras. 1, **8(c)** (as inserted (E.) (28.8.2020) by S.I. 2020/914, regs. 1(2), **3(2)(8)(c)** (with reg. 4) and as amended: (W.) (29.9.2020) by S.I. 2020/1044, regs. 1(2), **3**, 11(3) (with reg. 17); (31.3.2021) by S.I. 2021/284, regs. 1(2), **2** and S.I. 2021/377, regs. 1(2), **2**; (E.) (1.6.2021) by S.I. 2021/564, regs. 1(2)(3), **2(2)(9)** (with reg. 3); and (W.) (30.6.2021) by S.I. 2021/708, regs. 1(2), **2**)

## 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.
- (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).



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- (2) Subject to the following provisions, the tenancy remains an introductory tenancy until—
- (a) the tenancy comes to an end [<sup>F14</sup>in accordance with section 127(1A)] , 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 [<sup>F15</sup>127(1A) and (2)] (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 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.

#### Textual Amendments

- F14** Words in s. 130(2)(a) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 11 para. 12\(2\)](#) (with [Sch. 11 para. 14](#)); [S.I. 2009/1261, arts. 2, 3](#)
- F15** Words in s. 130(3)(b) substituted (20.5.2009) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 11 para. 12\(3\)](#) (with [Sch. 11 para. 14](#)); [S.I. 2009/1261, arts. 2, 3](#)

#### 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 [<sup>F16</sup>or civil partner] , 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.

#### Textual Amendments

- F16** Words in s. 131(a) inserted (5.12.2005) by [Civil Partnership \(Family Proceedings and Housing Consequential Amendments\) Order 2005 \(S.I. 2005/3336\), arts. 1, 20](#)



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### 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.
- [<sup>F17</sup>(2A) A tenant to whom the tenancy was assigned in pursuance of an order under Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.) is a successor only if the other civil partner 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.

#### Textual Amendments

**F17** S. 132(2A) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 52](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)

#### 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 [<sup>F18</sup> or civil partner ] is to be preferred to another member of the tenant’s family;

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- (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.), <sup>F19</sup>...
    - (iii) paragraph 1 of Schedule 1 to the <sup>M5</sup>Children Act 1989 (orders for financial relief against parents); or
    - <sup>F20</sup>(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)]
  - (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.

#### Textual Amendments

- F18** Words in s. 133(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 53\(2\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F19** Word in s. 133(3)(a)(ii) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(b\)\(d\), Sch. 30](#); S.I. 2005/3175, art. 2(6)
- F20** S. 133(3)(a)(iv) and word inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 53\(3\)](#); S.I. 2005/3175, art. 2(1), Sch. 1

#### 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.), <sup>F21</sup>...
    - (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);<sup>F22</sup>, or

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- (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)]
  - (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.

#### Textual Amendments

- F21** Word in s. 134(2)(a)(ii) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(b\)\(d\), Sch. 30](#); S.I. 2005/3175, art. 2(6)
- F22** S. 134(2)(a)(iv) and word inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 54](#); S.I. 2005/3175, art. 2(1), Sch. 1

#### 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—

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- (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.

#### 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—

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- (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.

*[<sup>F23</sup>Introductory tenancies that are to become flexible tenancies*

#### Textual Amendments

F23 S. 137A and cross-heading inserted (1.4.2012) by Localism Act 2011 (c. 20), ss. 155(6), 240(2); S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)

### 137A Introductory tenancies that are to become flexible tenancies

- (1) Where this section applies, a tenancy of a dwelling-house in England that ceases to be an introductory tenancy and becomes a secure tenancy in accordance with this Chapter becomes a flexible tenancy for a term certain.
- (2) This section applies if, before entering into or adopting the introductory tenancy, the person who became the landlord under the tenancy served a written notice on the person who was or became the tenant under the tenancy—
  - (a) stating that, on ceasing to be an introductory tenancy, the tenancy would become a secure tenancy that would be a flexible tenancy for a term certain of the length specified in the notice,
  - (b) specifying a period of at least two years as the length of the term of the tenancy, and
  - (c) setting out the other express terms of the tenancy.
- (3) The length of the term of a flexible tenancy that becomes such a tenancy by virtue of this section is that specified in the notice under subsection (2).
- (4) The other express terms of the flexible tenancy are those set out in the notice, so far as those terms are compatible with the statutory provisions relating to flexible tenancies; and in this subsection “statutory provision” means any provision made by or under an Act.]

*Supplementary*

### 138 Jurisdiction of county court.

- (1) [<sup>F24</sup>The 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

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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.

F25(4) .....

F25(5) .....

F25(6) .....

**Textual Amendments**

**F24** Words in s. 138(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

**F25** S. 138(4)-(6) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 257](#), [Sch. 18 Pt. 2](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 paras. 11\(v\), 30\(b\)](#)

**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 [<sup>F26</sup>or civil partner] of that person, or he and that person live together [<sup>F27</sup>as if they were a married couple or][<sup>F28</sup>civil partners], or
  - (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 [<sup>F29</sup>or civil partnership] 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.

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### Textual Amendments

- F26** Words in s. 140(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(2)(a)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F27** Words in s. 140(1)(a) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 20(3)**
- F28** Words in s. 140(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(2)(b)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F29** Words in s. 140(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

## 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



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housing action trust	section 230
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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**Status:**

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**Changes to legislation:**

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