



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
 - [^{F1}(b) a tenant under a relevant assured tenancy, other than an assured shorthold tenancy, of the same or another dwelling-house.]

[^{F2}(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.

Status: Point in time view as at 28/04/2022.

Changes to legislation: Housing Act 1996, Cross Heading: General provisions is up to date with all changes known to be in force on or before 29 August 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)

- (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;

^[F3] 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, ^[F4]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.

^[F5](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

Status: Point in time view as at 28/04/2022.

Changes to legislation: Housing Act 1996, Cross Heading: General provisions is up to date with all changes known to be in force on or before 29 August 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)

- (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)

[^{F6}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

Status: Point in time view as at 28/04/2022.

Changes to legislation: Housing Act 1996, Cross Heading: General provisions is up to date with all changes known to be in force on or before 29 August 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)

- (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,

Status: Point in time view as at 28/04/2022.

Changes to legislation: Housing Act 1996, Cross Heading: General provisions is up to date with all changes known to be in force on or before 29 August 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)

before the grant of that licence, another licence to occupy that or another dwelling-house had been granted to him).

Status:

Point in time view as at 28/04/2022.

Changes to legislation:

Housing Act 1996, Cross Heading: General provisions is up to date with all changes known to be in force on or before 29 August 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.