



Housing Act 1996

1996 CHAPTER 52

PART V

CONDUCT OF TENANTS

CHAPTER I

INTRODUCTORY TENANCIES

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.

Status: Point in time view as at 31/05/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Succession on death of tenant is up to date with all changes known to be in force on or before 28 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)

- (2) A tenant to whom the tenancy was assigned in pursuance of an order under section 24 of the ^{M1}Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings) or section 17(1) of the ^{M2}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.

Marginal Citations

- M1** 1973 c. 18.
M2 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 ^{M3}Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
 - (iii) paragraph 1 of Schedule 1 to the ^{M4}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

- M3** 1984 c. 42.
M4 1989 c. 41.

Status:

Point in time view as at 31/05/2005.

Changes to legislation:

Housing Act 1996, Cross Heading: Succession on death of tenant is up to date with all changes known to be in force on or before 28 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.