

Status: Point in time view as at 30/04/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Succession is up to date with all changes known to be in force on or before 04 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)



Housing Act 1996

1996 CHAPTER 52

PART V

CONDUCT OF TENANTS

[^{F1}CHAPTER 1A]

[^{F1}Succession

Textual Amendments

- F1** Pt. 5 Ch. 1A inserted (30.6.2004 for E., 30.9.2004 for W. for specified purposes, 30.4.2005 for W. so far as not already in force) by [Anti Social Behaviour Act 2003 \(c. 38\)](#), s. 93, [Sch. 1 para. 1](#); S.I. 2004/1502, [art. 2\(a\)\(iii\)](#); S.I. 2004/2557, [art. 2\(a\)\(ii\)](#); S.I. 2005/1225, [art. 2\(b\)](#)

Succession to demoted tenancy

143H Succession to demoted tenancy

- (1) This section applies if the tenant under a demoted tenancy dies.
- (2) If the tenant was a successor, the tenancy—
 - (a) ceases to be a demoted tenancy, but
 - (b) does not become a secure tenancy.
- (3) In any other case a person is qualified to succeed the tenant if—
 - (a) he occupies the dwelling-house as his only or principal home at the time of the tenant's death,
 - (b) he is a member of the tenant's family, and
 - (c) he has resided with the tenant throughout the period of 12 months ending with the tenant's death.

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- (4) If only one person is qualified to succeed under subsection (3) the tenancy vests in him by virtue of this section.
- (5) If there is more than one such person the tenancy vests by virtue of this section in the person preferred in accordance with the following rules—
 - (a) the tenant's spouse or (if the tenant has no spouse) the person mentioned in section 143P(1)(b) is to be preferred to another member of the tenant's family;
 - (b) if there are two or more other members of the tenant's family the person preferred may be agreed between them or (if there is no such agreement) selected by the landlord.

No successor tenant: termination

143I No successor tenant: termination

- (1) This section applies if the demoted tenant dies and no person is qualified to succeed to the tenancy as mentioned in section 143H(3).
- (2) The tenancy ceases to be a demoted tenancy if either subsection (3) or (4) applies.
- (3) This subsection applies if the tenancy 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 under—
 - (a) section 23A or 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
 - (b) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, etc);
 - (c) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).
- (4) This subsection applies if it is known that when the tenancy is vested or otherwise disposed of in the course of the administration of the tenant's estate it will not be in pursuance of an order mentioned in subsection (3).
- (5) A tenancy which ceases to be a demoted tenancy by virtue of this section cannot subsequently become a secure tenancy.

Successor tenants

143J Successor tenants

- (1) This section applies for the purpose of sections 143H and 143I.
- (2) A person is a successor to a secure tenancy which is terminated by a demotion order if any of subsections (3) to (6) applies to him.
- (3) The tenancy vested in him—
 - (a) by virtue of section 89 of the Housing Act 1985 or section 133 of this Act;
 - (b) under the will or intestacy of the preceding tenant.
- (4) The tenancy arose by virtue of section 86 of the Housing Act 1985 and the original fixed term was granted—

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- (a) to another person, or
 - (b) to him jointly with another person.
- (5) He became the tenant on the tenancy being assigned to him unless—
- (a) the tenancy was assigned in proceedings under section 23A or 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings) or section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, etc), and
 - (b) neither he nor the other party to the marriage was a successor.
- (6) He became the tenant on assignment under section 92 of the Housing Act 1985 if he himself was a successor to the tenancy which he assigned in exchange.
- (7) A person is the successor to a demoted tenancy if the tenancy vested in him by virtue of section 143H(4) or (5).
- (8) A person is the successor to a joint tenancy if he has become the sole tenant.]

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