

Status: Point in time view as at 01/12/2008.

Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Continuity of tenancies is up to date with all changes known to be in force on or before 25 June 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)

SCHEDULES

SCHEDULE 11

POSSESSION ORDERS RELATING TO CERTAIN TENANCIES

PART 2

REPLACEMENT OF CERTAIN TERMINATED TENANCIES

Continuity of tenancies

- 21 (1) The new tenancy and the original tenancy are to be treated for the relevant purposes as—
- (a) the same tenancy, and
 - (b) a tenancy which continued uninterrupted throughout the termination period.
- (2) The relevant purposes are—
- (a) determining whether the ex-tenant is a successor in relation to the new tenancy,
 - (b) calculating on or after the commencement date the period qualifying, or the aggregate of such periods, under Schedule 4 to the Housing Act 1985 (c. 68) (qualifying period for right to buy and discount),
 - (c) determining on or after the commencement date whether the condition set out in paragraph (b) of Ground 8 of Schedule 2 to that Act is met, and
 - (d) any other purposes specified by the appropriate national authority by order.
- (3) In proceedings on a relevant claim the court concerned may order that the new tenancy and the original tenancy are to be treated for the purposes of the claim as—
- (a) the same tenancy, and
 - (b) a tenancy which continued uninterrupted throughout the termination period.
- (4) The following are relevant claims—
- (a) a claim by the ex-tenant or the ex-landlord against the other for breach of a term or condition of the original tenancy—
 - (i) in respect of which proceedings are brought on or after the commencement date, or
 - (ii) in respect of which proceedings were brought, but were not finally determined, before that date,
 - (b) a claim by the ex-tenant against the ex-landlord for breach of statutory duty in respect of which proceedings are or were brought as mentioned in paragraph (a)(i) or (ii), and
 - (c) any other claim of a description specified by the appropriate national authority by order.

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- (5) For the purposes of sub-paragraph (4)(a) proceedings must be treated as finally determined if—
- (a) they are withdrawn,
 - (b) any appeal is abandoned, or
 - (c) the time for appealing has expired without an appeal being brought.

Commencement Information

II Sch. 11 para. 21 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, art. 4(4) (with arts. 6-13)

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