

*Status: Point in time view as at 20/05/2009.*

*Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Nature of replacement tenancies is up to date with all changes known to be in force on or before 30 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)*

## SCHEDULES

### SCHEDULE 11

#### POSSESSION ORDERS RELATING TO CERTAIN TENANCIES

#### PART 2

#### REPLACEMENT OF CERTAIN TERMINATED TENANCIES

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

- C1** Sch. 11 Pt. 2 applied (with modifications) (E.) (20.5.2009) by [Housing \(Replacement of Terminated Tenancies\) \(Successor Landlords\) \(England\) Order 2009 \(S.I. 2009/1262\)](#), arts. 1(1), **arts. 2-7**

##### *Nature of replacement tenancies*

- 17 The new tenancy is to be—
- (a) a secure tenancy if—
    - (i) the original tenancy was a secure tenancy, or
    - (ii) the original tenancy was an introductory tenancy but no election by the ex-landlord under section 124 of the Housing Act 1996 (c. 52) is in force on the day on which the new tenancy arises,
  - (b) an assured shorthold tenancy if the original tenancy was an assured shorthold tenancy,
  - (c) an assured tenancy which is not an assured shorthold tenancy if the original tenancy was a tenancy of that kind,
  - (d) an introductory tenancy if the original tenancy was an introductory tenancy and an election by the ex-landlord under section 124 of the Housing Act 1996 is in force on the day on which the new tenancy arises,
  - (e) a demoted tenancy to which section 20B of the Housing Act 1988 (c. 50) applies if the original tenancy was a demoted tenancy of that kind, and
  - (f) a demoted tenancy to which section 143A of the Housing Act 1996 applies if the original tenancy was a demoted tenancy of that kind.

##### Commencement Information

- I1** Sch. 11 para. 17 in force at 1.12.2008 for specified purposes by [S.I. 2008/3068](#), **art. 4(4)** (with arts. 6-13)  
**I2** Sch. 11 para. 17 in force at 20.5.2009 in so far as not already in force by [S.I. 2009/1261](#), **arts. 2, 3**

- 18 (1) The new tenancy is, subject as follows, to have effect on the same terms and conditions as those applicable to the original tenancy immediately before it ended.
- (2) The terms and conditions of the new tenancy are to be treated as modified so as to reflect, so far as applicable, any changes made during the termination period to the

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level of payments for the ex-tenant's occupation of the dwelling-house or to the other terms and conditions of the occupation.

- (3) The terms and conditions of the new tenancy are to be treated as modified so that any outstanding liabilities owed by the ex-tenant to the ex-landlord in respect of payments for the ex-tenant's occupation of the dwelling-house during the termination period are liabilities in respect of rent under the new tenancy.
- (4) The appropriate national authority may by order provide for other modifications of the terms and conditions of the new tenancy.
- (5) Nothing in sub-paragraphs (2) to (4) is to be read as permitting modifications of the new tenancy which would not have been possible if the original tenancy had remained a tenancy throughout the termination period.
- (6) The terms and conditions of a new secure tenancy which arises by virtue of paragraph 17(a)(ii) are to be treated as modified so far as necessary to reflect the fact that the new tenancy is a secure tenancy and not an introductory tenancy.

#### Commencement Information

- I3** Sch. 11 para. 18 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, art. 4(4) (with arts. 6-13)  
**I4** Sch. 11 para. 18 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, arts. 2, 3

- 19 (1) Any provision which is made by or under an enactment and relates to a secure tenancy, assured tenancy, introductory tenancy or demoted tenancy applies, subject as follows, to a new tenancy of a corresponding kind.
  - (2) Any such provision which relates to an introductory tenancy applies to a new tenancy which is an introductory tenancy as if the trial period mentioned in section 125(2) of the Housing Act 1996 (c. 52) were the period of one year beginning with the day on which the new tenancy arises.
  - (3) Any such provision which relates to a demoted tenancy applies to a new tenancy which is a demoted tenancy as if the demotion period mentioned in section 20B(2) of the Housing Act 1988 (c. 50) or section 143B(1) of the Housing Act 1996 were the period of one year beginning with the day on which the new tenancy arises.
  - (4) The appropriate national authority may by order modify any provision made by or under an enactment in its application to a new tenancy.

#### Commencement Information

- I5** Sch. 11 para. 19 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, art. 4(4) (with arts. 6-13)  
**I6** Sch. 11 para. 19 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, arts. 2, 3

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