

**EXPLANATORY MEMORANDUM TO  
THE INTRODUCTORY TENANCIES (REVIEW OF DECISIONS TO EXTEND A  
TRIAL PERIOD) (ENGLAND) REGULATIONS 2006**

**2006/No. 1077**

1. This explanatory memorandum has been prepared by Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

2. **Description**

This Statutory Instruments lays out the procedure to be followed, where under section 125A of the Housing Act 1996, a local authority makes a decision to extend a tenant's introductory tenancy for a period of 6 months and where under section 125B the tenant asks for a review of this decision.

3. **Matters of special interest to the Select Committee on Statutory Instruments**

This is the first time the power to make regulations has been exercised.

4. **Legislative Background**

4.1 Section 124 of Part 5 of the Housing Act 1996 provides that local authority's can operate introductory tenancies. Section 125 of the same Act provides that introductory tenancies can only last for a period not exceeding one year.

Section 179 of the Housing Act 2004, introduced a new section 125A into the 1996 Act and provides that introductory tenancies can be extended by six months were a tenant has engaged in anti social behaviour.

Section 125B provides such a tenant with a right to request for a review of this decisions.

Section 125B(3) provides the Secretary of State with the power to make Regulations outlining the procedure to be followed in connection with a request for a review under section 125B.

5. **Extent**

5.1 This instrument applies to England only.

5.2 Wales will bring this provision into force by a separate Statutory Instrument

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 A number of new measures to help social landlords tackle anti social-behaviour under Part 6 of the Housing Act 2004 were brought into force on 6th June 2005. These include giving local authority landlords the flexibility to extend the period of a tenant's introductory tenancy.

Section 179 of the Housing Act 2004 amends the Housing Act 1996 giving local authority landlords the flexibility to extend introductory tenancies by a further six months where there are concerns about the conduct of the tenancy.

Landlords are now able to assess the suitability of an introductory tenant, including in cases of anti-social behaviour, for an additional period (for all new tenancies granted from 6th June 2005). Introductory tenancies are a type of tenancy offered by some local authority landlords to new tenants. If tenants conduct themselves appropriately during this 'probationary' period they become fully secure tenants, but where they do not and before the introductory tenancy period ends, the landlord may move to evict them by way of an administrative procedure rather than at the discretion of the court.

Once a landlord has made a decision to extend the period of an introductory tenancy it is important to ensure that safeguards are in place to ensure tenants are not treated unfairly. That is why we have provided for an internal review procedure. A tenant is entitled to a review of the landlord's decision to extend their introductory tenancy and the legislation provides that the Secretary of State may make Regulations 'as to the procedure to be followed' in connection with such a review.

The making of these Regulations will ensure that landlords apply a clear and consistent approach when undertaking any reviews. It will also ensure that landlords and tenants (or their representatives) understand the process and know what to expect.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The cost of this provision will fall solely on local housing authorities. The costs will be associated with managing the review process. It is our belief that these costs will be minimal and will be absorbed in the day-to-day administrative running costs of local housing authorities.

## **9. Contact**

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