

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 14 of the Anti-social Behaviour Act 2003 amended Part 4 of the Housing Act 1985 (c. 68) to allow a secure tenancy of a local housing authority, a housing action trust or a registered social landlord to be brought to an end and replaced with a less secure demoted tenancy by a demotion order made by a county court. Schedule 1 to the 2003 Act inserted further provisions regarding demoted tenancies as a new Chapter 1A of Part 5 of the Housing Act 1996.

If a landlord wishes to end a demoted tenancy it must serve the tenant with a notice stating that the landlord has decided to apply to the court for an order for possession, setting out the reasons for that decision and informing the tenant of the tenant's right to request a review of the decision. These Regulations make provision about the procedure to be followed in such a review.

Regulation 2 provides that a review must be undertaken by a person who was not involved in the original decision. If the original decision was made by an officer then any review of that decision by another officer may only be carried out by an officer occupying a more senior position within the landlord's organisation than the officer who made the original decision.

Regulation 3 requires the landlord to give the tenant notice of the date of the review.

Regulation 4 enables the tenant to obtain an oral hearing in certain circumstances and explains how that right may be exercised.

Regulations 5 to 9 set out the details of the review procedure.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Demoted Tenancies (Review of Decisions) (Wales) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2022/907 Sch. 2](#)