



Localism Act 2011

2011 CHAPTER 20

PART 7

HOUSING

CHAPTER 2

SOCIAL HOUSING: TENURE REFORM

Other provisions relating to tenancies of social housing

159 Further provisions about transfer of tenancy under section 158

- (1) A landlord may refuse to comply with a request under section 158 only on one or more of the grounds set out in Schedule 14 (and in that Schedule references to the new tenancy are to the tenancy that the landlord has been requested to grant under that section).
- (2) If the landlord refuses to comply with the request otherwise than on one of those grounds, the landlord is treated for the purposes of section 158 as not having refused to comply with the request.
- (3) A landlord may not rely on any of the grounds set out in Schedule 14 unless the landlord has, within the period of 42 days beginning with receipt of the relevant tenants' request, given each of the tenants a notice specifying the ground and giving particulars of it.
- (4) The duty imposed on a landlord by section 158 is enforceable by injunction.
- (5) [^{F1}The county court] has jurisdiction to entertain any proceedings brought pursuant to subsection (4).
- (6) In section 158, this section and Schedule 14—

Changes to legislation: Localism Act 2011, Section 159 is up to date with all changes known to be in force on or before 04 May 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) View outstanding changes

- (a) “secure tenancy” has the meaning given by section 79 of the Housing Act 1985,
 - (b) “flexible tenancy” has the meaning given by section 107A of that Act,
 - (c) “assured tenancy” and “assured shorthold tenancy” have the same meaning as in Part 1 of the Housing Act 1988, and
 - (d) other expressions defined in the Housing Act 1985 or the Housing Act 1988 have the same meaning as in that Act (and, if they are defined in both Acts, have the same meaning as in the Housing Act 1985).
- (7) In section 160(1) of the Housing Act 1996 (cases where provisions about allocations do not apply), for the “or” at the end of paragraph (d) substitute—
- “(da) is granted in response to a request under section 158 of the Localism Act 2011 (transfer of tenancy), or”.

Textual Amendments

- F1** Words in s. 159(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

Commencement Information

- I1** S. 159 in force at 1.4.2012 by [S.I. 2012/628, art. 6\(a\)](#) (with [arts. 9, 11, 14, 15, 17](#))

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 159(6)(b) omitted by [2016 c. 22 s. 121\(3\)](#)
- s. 159(6)(b) word substituted by [2016 c. 22 Sch. 7 para. 32](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)