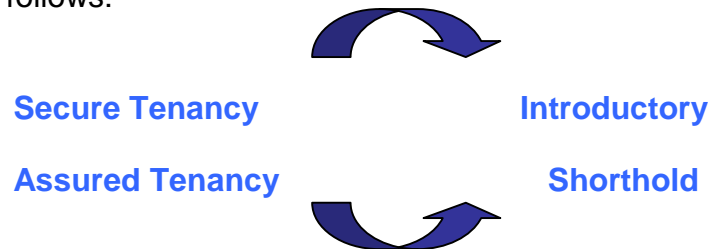


Demotion – The little used alternative

What is it and how does it work?

As part of the Government's agenda for tackling anti-social behaviour, the Anti-social Behaviour Act 2003 brought in new provisions to assist landlords. Under this Act, a new concept of 'demotion' was introduced as a tool for modifying anti-social behaviour and to act as an alternative to possession.

A demotion is where a Landlord applies to the court to end a secure or assured tenancy and to replace it with a less-secure form of tenure. If the Landlord is successful in obtaining a demotion order, the effect on the tenant's contract is as follows:



In most cases, a demoted tenancy lasts for 12 months and should give the tenant plenty of time to change his (or her) behaviour but it can be extended if the court feels more time is needed.

What impact does demotion have?

The main effect on tenants is that they lose a number of rights that they used to have in their previous tenancy. These include Security of Tenure, the Right to Buy or Acquire and the Right to Exchange.

How do I apply for an order?

Before the Court can make a demotion order, they have to be satisfied that:

1. The tenant, person or visitor has engaged or has threatened to engage in conduct to which section 153A (nuisance) or 153B (unlawful purpose) of the Housing Act 1996 applies.
2. It is reasonable

Do they work?

We commissioned some research across a number of housing organisations mainly across the North West Region to find out what the views are. It seems that the use of demoted tenancies varies across housing organisations and there is relatively limited use at present. We found that:

- ❖ Most organisations hadn't issued any applications for demotion orders
- ❖ A handful have considered demotion action mainly as an alternative to possession and
- ❖ 1 organisation has been successful in obtaining a demotion order.

From this research, it has become clear that Social Landlords are reticent to use the legislation because there are few precedents and also, they feel that the judiciary is apprehensive when dealing with demotion and granting orders due to the lack of discretion at a later stage.

The future?

The Respect Task Force has been running a number of 'Academies' across the country and one of the key messages from Louise Casey (Government Respect Coordinator) is that demotion should be considered by more Social Landlords as a viable remedy. Going forward, it is expected that there will be more pressure from the government for this to be the case and demotion will increasingly be used as a way to modify and resolve anti-social behaviour. This will be supported by giving more information and instruction to the judiciary in the way it handles demotion cases.

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