

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

The 2016 Act

27 (1) Schedule 12 (conversion of tenancies and licences existing before commencement of Chapter 3 of Part 10 of the 2016 Act) is amended as follows.

(2) In paragraph 11 (written statement of converted contract), after sub-paragraph (1) insert—

“(1A) Section 31(2) (provision of written statement to new contract-holder) does not apply in relation to a converted contract during the information provision period.”

(3) After paragraph 12 (provision of information) insert—

“12A (1) Schedule 9A (restrictions on giving notice under section 173, under section 186, and under a landlord’s break clause) applies in relation to a converted contract as if—

- (a) paragraph 1 were omitted, and
- (b) for paragraph 2 there were substituted—

“Failure to provide written statement within the specified period

2 If—

- (a) a landlord is required to provide a written statement of the contract under paragraph 11(1) of Schedule 12, or under section 31(2) (where it is not disapplied by paragraph 11(1A) of that Schedule), and
- (b) the landlord has failed to comply with paragraph 11(1) or section 31(2),

the landlord may not give notice before the end of the period of six months starting with the day on which the landlord gave the written statement to the contract-holder.”

(4) In paragraph 23 (introductory standard contracts), in sub-paragraph (3) after “as if” insert “—

- (a) in section 174 (landlord’s notice: minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”,
- (b) in section 175 (landlord’s notice: notice may not be given until after first six months of occupation), the references in subsections (1) and (2) (and the heading) to “six months” were references to “four months”, and
- (c)”.

(5) After paragraph 25 (termination of contract by landlord) insert—

Status: This is the original version (as it was originally enacted).

“25A (1) This paragraph applies to a periodic standard contract which immediately before the appointed day was an assured shorthold tenancy.

(2) This Act applies as if—

- (a) in section 174 (landlord’s notice: minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”, and
- (b) in section 175 (landlord’s notice: notice may not be given until after first six months of occupation), the references in subsections (1) and (2) (and the heading) to “six months” were references to “four months”.”

(6) After paragraph 25A (inserted by sub-paragraph (5)) insert—

“25B (1) This paragraph applies to a fixed term standard contract which—

- (a) immediately before the appointed day was a tenancy or licence for a fixed term, and
- (b) is not within Schedule 9B.

(2) The landlord may, before or on the last day of the term for which the contract was made, give the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.

(3) The specified date may not be less than six months after—

- (a) the occupation date (see paragraph 31), or
- (b) if, immediately before the appointed day, the converted contract was a substitute tenancy or licence, the day on which the contract-holder became entitled to occupy the dwelling under the original tenancy or licence.

(4) Subject to sub-paragraph (3), the specified date—

- (a) may not be before the last day of the term for which the converted contract was made, and
- (b) may not be less than two months after the day on which the notice is given to the contract-holder.

(5) For the purposes of sub-paragraph (3)—

- (a) a converted contract was a substitute tenancy or licence if—
 - (i) the occupation date of the converted contract falls immediately after the end of a preceding tenancy or licence,
 - (ii) immediately before the occupation date of the converted contract a tenant or licensee under the contract was a tenant or licensee under the preceding tenancy or licence, and a landlord under the converted contract was a landlord under the preceding tenancy or licence, and
 - (iii) the converted contract relates to the same (or substantially the same) dwelling as the preceding tenancy or licence, and
- (b) “original tenancy or licence” means—

Status: This is the original version (as it was originally enacted).

- (i) where the substitute tenancy or licence has an occupation date falling immediately after the end of a tenancy or licence which is not a substitute tenancy or licence, the tenancy or licence which preceded the substitute tenancy or licence;
 - (ii) where there have been successive substitute tenancies or licences, the tenancy or licence which preceded the first of the substitute tenancies or licences.
 - (6) If the landlord gives the contract-holder a notice under sub-paragraph (2), the landlord may on that ground make a possession claim.
 - (7) The landlord may not make a possession claim on that ground before the end of the fixed term standard contract.
 - (8) Sub-paragraphs (2) to (7) are fundamental provisions which are incorporated as a term of all fixed term standard contracts to which this paragraph applies.
- 25C Where paragraph 25B applies, this Act applies as if—
- (a) references to section 186 include a reference to paragraph 25B,
 - (b) references to a notice under section 186(1) include a reference to a notice under paragraph 25B(2), and
 - (c) references to the ground in section 186(5) include a reference to the ground in paragraph 25B(6).”
- (7) After paragraph 25C (inserted by sub-paragraph (6)) insert—
- “25D (1) This paragraph applies to a fixed term standard contract which, immediately before the appointed day, was a tenancy or licence for a fixed term containing a landlord’s break clause.
- (2) This Act applies as if—
- (a) in section 194 (landlord’s break clause)—
 - (i) in subsection (1), the words “which is within subsection (1A)” were omitted, and
 - (ii) subsection (1A) were omitted,
 - (b) in section 195 (minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”,
 - (c) in section 196 (landlord’s notice: notice may not be given until after first 18 months of occupation), the reference in subsection (1) (and the heading) to “18 months” were a reference to “four months”, and
 - (d) Schedule 9C were omitted.”