

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part I is up to date with all changes known to be in force on or before 02 July 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)

SCHEDULES

SCHEDULE 1

TENANCIES WHICH CANNOT BE ASSURED TENANCIES

Modifications etc. (not altering text)

- C1** Sch. 1 modified by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 1(2), 21, **22**

PART I

THE TENANCIES

Tenancies entered into before commencement

- 1 A tenancy which is entered into before, or pursuant to a contract made before, the commencement of this Act.

Tenancies of dwelling-houses with high rateable values

- [^{F1}2 (1) A tenancy—
- (a) which is entered into on or after 1st April 1990 (otherwise than, where the dwelling-house had a rateable value on 31st March 1990, in pursuance of a contract made before 1st April 1990), and
 - (b) under which the rent payable for the time being is payable at a rate exceeding £25,000 a year.
- (2) In sub-paragraph (1) “rent” does not include any sum payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, [^{F2}council tax,] services, management, repairs, maintenance or insurance, unless it could not have been regarded by the parties to the tenancy as a sum so payable.
- (2A) A tenancy—
- (a) which was entered into before the 1st April 1990, or on or after that date in pursuance of a contract made before that date, and
 - (b) under which the dwelling-house had a rateable value on the 31st March 1990 which, if it is in Greater London, exceeded £1,500 and, if it is elsewhere, exceeded £750.]

Textual Amendments

- F1** Sch. 1 paras. 2, 2A substituted for para 2 by [S.I. 1990/434, reg. 2](#), [Sch. para. 29](#)
- F2** Words in Sch. 1 para. 2(2) inserted (1.4.1993) by [S.I. 1993/651, art. 2\(1\)](#), [Sch. 1 para.19](#)

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part I is up to date with all changes known to be in force on or before 02 July 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)

Modifications etc. (not altering text)

- C1** Sch. 1 para. 2(2) applied by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 2(5), 21, 22 (as amended by [S.I. 1990/434, reg. 2, Sch. para. 34](#))

Tenancies at a low rent

- [^{F3} A tenancy under which for the time being no rent is payable.]

Textual Amendments

- F3** Sch. 1 paras. 3, 3A, 3B, 3C substituted for para. 3 by [S.I. 1990/434, reg. 2, Sch. para. 30](#)

- 3A A tenancy—
- (a) which is entered into on or after 1st April 1990 (otherwise than, where the dwelling-house had a rateable value on 31st March 1990, in pursuance of a contract made before 1st April 1990), and
 - (b) under which the rent payable for the time being is payable at a rate of, if the dwelling-house is in Greater London, £1,000 or less a year and, if it is elsewhere, £250 or less a year.
- 3B A tenancy—
- (a) which was entered into before 1st April 1990 or, where the dwelling-house had a rateable value on the 31st March 1990, on or after 1st April 1990 in pursuance of a contract made before that date, and
 - (b) under which the rent for the time being payable is less than two-thirds of the rateable value of the dwelling-house on 31st March 1990.
- 3C Paragraph 2(2) above applies for the purposes of paragraphs 3, 3A and 3B as it applies for the purposes of paragraph 2(1).

Business tenancies

- 4 A tenancy to which Part II of the ^{M1}Landlord and Tenant Act 1954 applies (business tenancies).

Marginal Citations

- M1** [1954 c.56.](#)

Licensed premises

- 5 A tenancy under which the dwelling-house consists of or comprises [^{F4}“premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)”] for consumption on the premises.

Textual Amendments

- F4** Words in [Sch. 1 para. 5](#) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201(2), [Sch. 6 para. 108](#) (with ss. 2(3), 15(2), 195); [S.I. 2005/3056, art. 2\(2\)](#)

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part 1 is up to date with all changes known to be in force on or before 02 July 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)

Tenancies of agricultural land

- 6 (1) A tenancy under which agricultural land, exceeding two acres, is let together with the dwelling-house.
- (2) In this paragraph “agricultural land” has the meaning set out in section 26(3)(a) of the ^{M2}General Rate Act 1967 (exclusion of agricultural land and premises from liability for rating).

Marginal Citations

M2 1967 c. 9.

[^{F5} Tenancies of agricultural holdings etc.]

Textual Amendments

F5 Sch. 1 para. 7 and cross-heading substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), Sch. para. 34 (with s. 37)

- [^{F67} (1) A tenancy under which the dwelling-house—
- (a) is comprised in an agricultural holding, and
 - (b) is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.
- (2) A tenancy under which the dwelling-house—
- (a) is comprised in the holding held under a farm business tenancy, and
 - (b) is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the management of the holding.
- (3) In this paragraph—
- “agricultural holding” means any agricultural holding within the meaning of the Agricultural Holdings Act 1986 held under a tenancy in relation to which that Act applies, and
- “farm business tenancy” and “holding”, in relation to such a tenancy, have the same meaning as in the Agricultural Tenancies Act 1995.]

Textual Amendments

F6 Sch. 1 para. 7 and cross-heading substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), Sch. para. 34 (with s. 37)

Lettings to students

- 8 (1) A tenancy which is granted to a person who is pursuing, or intends to pursue, a course of study provided by a specified educational institution and is so granted either by that institution or by another specified institution or body of persons.
- (2) In sub-paragraph (1) above “specified” means specified, or of a class specified, for the purposes of this paragraph by regulations made by the Secretary of State by statutory instrument.

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part I is up to date with all changes known to be in force on or before 02 July 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)

- (3) A statutory instrument made in the exercise of the power conferred by sub-paragraph (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Holiday lettings

- 9 A tenancy the purpose of which is to confer on the tenant the right to occupy the dwelling-house for a holiday.

Resident landlords

- 10 (1) A tenancy in respect of which the following conditions are fulfilled—
- (a) that the dwelling-house forms part only of a building and, except in a case where the dwelling-house also forms part of a flat, the building is not a purpose-built block of flats; and
 - (b) that, subject to Part III of this Schedule, the tenancy was granted by an individual who, at the time when the tenancy was granted, occupied as his only or principal home another dwelling-house which,—
 - (i) in the case mentioned in paragraph (a) above, also forms part of the flat; or
 - (ii) in any other case, also forms part of the building; and
 - (c) that, subject to Part III of this Schedule, at all times since the tenancy was granted the interest of the landlord under the tenancy has belonged to an individual who, at the time he owned that interest, occupied as his only or principal home another dwelling-house which,—
 - (i) in the case mentioned in paragraph (a) above, also formed part of the flat; or
 - (ii) in any other case, also formed part of the building; and
 - (d) that the tenancy is not one which is excluded from this sub-paragraph by sub-paragraph (3) below.
- (2) If a tenancy was granted by two or more persons jointly, the reference in sub-paragraph (1)(b) above to an individual is a reference to any one of those persons and if the interest of the landlord is for the time being held by two or more persons jointly, the reference in sub-paragraph (1)(c) above to an individual is a reference to any one of those persons.
- (3) A tenancy (in this sub-paragraph referred to as “the new tenancy”) is excluded from sub-paragraph (1) above if—
- (a) it is granted to a person (alone, or jointly with others) who, immediately before it was granted, was a tenant under an assured tenancy (in this sub-paragraph referred to as “the former tenancy”) of the same dwelling-house or of another dwelling-house which forms part of the building in question; and
 - (b) the landlord under the new tenancy and under the former tenancy is the same person or, if either of those tenancies is or was granted by two or more persons jointly, the same person is the landlord or one of the landlords under each tenancy.

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part 1 is up to date with all changes known to be in force on or before 02 July 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)

Crown tenancies

- 11 (1) A tenancy under which the interest of the landlord belongs to Her Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department.
- (2) The reference in sub-paragraph (1) above to the case where the interest of the landlord belongs to Her Majesty in right of the Crown does not include the case where that interest is under the management of the Crown Estate Commissioners [^{F7}or it is held by the Secretary of State as the result of the exercise by him of functions under Part III of the Housing Associations Act 1985.]

Textual Amendments

F7 Words in [Sch. 1 para. 11\(2\)](#) added (15.1.1999) by [S.I. 1999/61, art. 2, Sch. 1 para. 3\(4\)](#)

Modifications etc. (not altering text)

C2 [Sch. 1 para. 11](#) modified by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 60\(2\)](#), [Sch. 8 Pt. III para. 11](#)

Local authority tenancies etc.

- 12 (1) A tenancy under which the interest of the landlord belongs to—
- (a) a local authority, as defined in sub-paragraph (2) below;
 - [^{F8}(b) the Homes and Communities Agency but only if the tenancy falls within subsections (2A) to (2E) of section 80 of the Housing Act 1985;
 - (ba) the Welsh Ministers but only if the tenancy falls within subsections (2A) to (2E) of section 80 of the Housing Act 1985;]
 - [^{F9}(c)
 - (d) an urban development corporation established by an order under section 135 of the ^{M3}Local Government, Planning and Land Act 1980;
 - [^{F10}(da) a National Park authority;]
 - (e) a development corporation, within the meaning of the ^{M4}New Towns Act 1981;
 - (f) an authority established under section 10 of the ^{M5}Local Government Act 1985 (waste disposal authorities);
 - [^{F11}(fa) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);]
 - (g) a residuary body, within the meaning of the Local Government Act 1985;
 - [^{F12}(gg) The Residuary Body for Wales (Corff Gweddilliol Cymru);]
 - (h) a fully mutual housing association; or
 - (i) a housing action trust established under Part III of this Act.
- (2) The following are local authorities for the purposes of sub-paragraph (1)(a) above—
- (a) the council of a county, [^{F13}county borough,] district or London borough;
 - (b) the Common Council of the City of London;
 - (c) the Council of the Isles of Scilly;

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part I is up to date with all changes known to be in force on or before 02 July 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)

- (d) the Broads Authority;
- (e) the Inner London Education Authority; and
- ^{F14}(ee) the London Fire and Emergency Planning Authority;]
- (f) a joint authority, within the meaning of the Local Government Act 1985.
- ^{F15}(g) a police authority established under ^{F16}section 3 of the Police Act 1996^{F17} and the Metropolitan Police Authority.]]

Textual Amendments

- F8** Sch. 1 para. 12(b)(ba) substituted (1.12.2008) for Sch. 1 para. 12(b) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), arts. 1(2), 4, **Sch. 1 para. 40** (with Sch. 2); S.I. 2008/3038, **art. 2(1)(b)** (with arts. 6–13)
- F9** Sch. 1 para. 12(1)(c) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F10** Sch. 1 para. 12 (1)(da) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 28** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, art. 2(1)
- F11** Sch. 1 para. 12(1)(fa) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, **Sch. 13 para. 44**; S.I. 2008/917, **art. 2(1)(p)**
- F12** Sch. 1 para. 12(1)(gg) inserted (5.7.1994) by 1994 c. 19, ss. 22(2), 66(2)(b), **Sch. 13 para. 31** (with ss. 54(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- F13** Words in Sch. 1 para. 12(2)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 9(2)** (with ss. 54(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F14** Sch. 1 para. 12(2)(ee) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 53** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(i)**
- F15** Sch. 1 para. 12(2)(g) inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 62**; S.I. 1994/2025, **art. 6(2)(g)**; S.I. 1994/3262, art. 4, **Sch.**
- F16** Words in Sch. 1 para. 12(2)(g) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(zc)**
- F17** Words in Sch. 1 para. 12(2)(g) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 3 para. 74; S.I. 2002/344, **art. 3(k)** (with art. 4)

Modifications etc. (not altering text)

- C3** Sch.1 Pt.1 para.12 excluded (6.4.2006 for E.and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss.132,270, {Sch. 7 para.18(6)(b)}; S.I.2006/1060, {art.2(1)(a)} (with Sch.); S.I. 2006/1535, **art.2(a)** (with Sch.)
- C4** Sch.1 Pt.1 para.12 excluded (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss.132,270, {Sch.7 para.12(5)(b)(9)}; S.I.2006/1060, **art.2(1)(a)** (with Sch.); S.I.2006/1535, **art. 2(a)** (with Sch.)
- C5** Sch. 1 Pt. 1 para.12 excluded (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss.132,270, {Sch. 7 para.4(5)(b)}; S.I.2006/1060, {art.2(1)(a)} (with Sch.); S.I.2006/1535, {art. 2(a)} (with Sch.)
- C6** Sch.1 Pt. 1 para. 12 excluded (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. **124(8)** (with s. 124(9)(10)); S.I.2006/1060, {art. 2(1)(a)} (with Sch.); S.I. 2006/1535, **art. 2(a)** (with Sch.)

Marginal Citations

- M3** 1980 c. 65.
- M4** 1981 c. 64.
- M5** 1985 c. 51.

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part 1 is up to date with all changes known to be in force on or before 02 July 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)

^{F18}Family intervention tenancies

Textual Amendments

F18 Sch. 1 para. 12ZA inserted (1.1.2009 for E., otherwise prosp.) by [Housing and Regeneration Act 2008](#) (c. 17), ss. 297(2), 325; S.I. 2008/3068, art. 4(11) (with arts. 6-13)

- 12ZA (1) A family intervention tenancy.
- (2) But a family intervention tenancy becomes an assured tenancy if the landlord notifies the tenant that it is to be regarded as an assured tenancy.
- (3) In this paragraph “a family intervention tenancy” means, subject to sub-paragraph (4), a tenancy granted by a registered provider of social housing or a registered social landlord (“the landlord”) in respect of a dwelling-house—
- (a) to a person (“the new tenant”) against whom a possession order under section 7 in respect of another dwelling-house—
- (i) has been made, in relation to an assured tenancy, on ground 14 or 14A of Part 2 of Schedule 2;
- (ii) could, in the opinion of the landlord, have been so made in relation to such a tenancy; or
- (iii) could, in the opinion of the landlord, have been so made if the person had had such a tenancy; and
- (b) for the purposes of the provision of behaviour support services.
- (4) A tenancy is not a family intervention tenancy for the purposes of this paragraph if the landlord has failed to serve a notice under sub-paragraph (5) on the new tenant before the new tenant entered into the tenancy.
- (5) A notice under this sub-paragraph is a notice stating—
- (a) the reasons for offering the tenancy to the new tenant;
- (b) the dwelling-house in respect of which the tenancy is to be granted;
- (c) the other main terms of the tenancy (including any requirements on the new tenant in respect of behaviour support services);
- (d) the security of tenure available under the tenancy and any loss of security of tenure which is likely to result from the new tenant agreeing to enter into the tenancy;
- (e) that the new tenant is not obliged to enter into the tenancy or (unless otherwise required to do so) to surrender any existing tenancy or possession of a dwelling-house;
- (f) any likely action by the landlord if the new tenant does not enter into the tenancy or surrender any existing tenancy or possession of a dwelling-house.
- (6) The appropriate national authority may by regulations made by statutory instrument amend sub-paragraph (5).
- (7) A notice under sub-paragraph (5) must contain advice to the new tenant as to how the new tenant may be able to obtain assistance in relation to the notice.
- (8) The appropriate national authority may by regulations made by statutory instrument make provision about the type of advice to be provided in such notices.

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part 1 is up to date with all changes known to be in force on or before 02 July 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)

- (9) Regulations under this paragraph may contain such transitional, transitory or saving provision as the appropriate national authority considers appropriate.
- (10) A statutory instrument containing (whether alone or with other provision) regulations under this paragraph which amend or repeal any of paragraphs (a) to (f) of sub-paragraph (5) may not be made—
- (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament; and
 - (b) by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Subject to this, a statutory instrument containing regulations made under this paragraph—
- (a) by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) In this paragraph—
- “appropriate national authority”—
- (a) in relation to England, means the Secretary of State; and
 - (b) in relation to Wales, means the Welsh Ministers;
- “behaviour support agreement” means an agreement in writing about behaviour and the provision of support services made between the new tenant, the landlord and the local housing authority for the district in which the dwelling-house which is to be subject to the new tenancy is situated (or between persons who include those persons);
- “behaviour support services” means relevant support services to be provided by any person to—
- (a) the new tenant; or
 - (b) any person who is to reside with the new tenant;
- for the purpose of addressing the kind of behaviour which led to the new tenant falling within sub-paragraph (3)(a);
- “family intervention tenancy” has the meaning given by sub-paragraph (3);
- “landlord” has the meaning given by sub-paragraph (3);
- “local housing authority” (and the reference to its district) has the same meaning as in the Housing Act 1985 (see sections 1 and 2(1) of that Act);
- “the new tenant” has the meaning given by sub-paragraph (3)(a);
- “registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996;
- “relevant support services” means support services of a kind identified in a behaviour support agreement and designed to meet such needs of the recipient as are identified in the agreement.]

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part I is up to date with all changes known to be in force on or before 02 July 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)

[^{F19} Accommodation for asylum-seekers]

Textual Amendments

F19 Sch. 1 para. 12A and cross-heading preceding it inserted (11.11.1999) by 1999 c. 33, ss. 169(1), 170(3) (s), Sch. 14 para. 88

[^{F20}12A(1) A tenancy granted by a private landlord under arrangements for the provision of support for asylum-seekers or dependants of asylum-seekers made [^{F21}under section 4 or Part VI of the Immigration and Asylum Act 1999] .

(2) “Private landlord” means a landlord who is not within section 80(1) of the ^{M6}Housing Act 1985.]

Textual Amendments

F20 Sch. 1 para. 12A and cross-heading preceding it inserted (11.11.1999) by 1999 c. 33, ss. 169(1), 170(3) (s), Sch. 14 para. 88

F21 Words in Sch. 1 para. 12A(1) substituted (16.6.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 43(4)(f), 62; S.I. 2006/1497, art. 3, Sch.

Marginal Citations

M6 1985 c. 68.

[^{F22} Accommodation for persons with Temporary Protection

Textual Amendments

F22 Sch. 1 para. 12B and cross-heading inserted (15.6.2005) by The Displaced Persons (Temporary Protection) Regulations 2005 (S.I. 2005/1379), Sch. para. 6

12B (1) A tenancy granted by a private landlord under arrangements for the provision of accommodation for persons with temporary protection made under the Displaced Persons (Temporary Protection) Regulations 2005.

(2) “Private landlord” means a landlord who is not within section 80(1) of the Housing Act 1985.]

Transitional cases

- 13 (1) A protected tenancy, within the meaning of the ^{M7}Rent Act 1977.
- (2) A housing association tenancy, within the meaning of Part VI of that Act.
- (3) A secure tenancy.
- (4) Where a person is a protected occupier of a dwelling-house, within the meaning of the ^{M8}Rent (Agriculture) Act 1976, the relevant tenancy, within the meaning of that Act, by virtue of which he occupies the dwelling-house.

Status: Point in time view as at 01/01/2009.

Changes to legislation: Housing Act 1988, Part I is up to date with all changes known to be in force on or before 02 July 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)

Marginal Citations

M7 1977 c. 42.

M8 1976 c. 80.

Status:

Point in time view as at 01/01/2009.

Changes to legislation:

Housing Act 1988, Part I is up to date with all changes known to be in force on or before 02 July 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.