



# Housing Act 1985

## 1985 CHAPTER 68

### PART IV

#### SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

##### *Variation of terms of tenancy*

#### **102 Variation of terms of secure tenancy.**

- (1) The terms of a secure tenancy may be varied in the following ways, and not otherwise—
  - (a) by agreement between the landlord and the tenant;
  - (b) to the extent that the variation relates to rent or to payments in respect of rates <sup>[F1]</sup>, council tax] or services, by the landlord or the tenant in accordance with a provision in the lease or agreement creating the tenancy, or in an agreement varying it;
  - (c) in accordance with section 103 (notice of variation of periodic tenancy).
- (2) References in this section and section 103 to variation include addition and deletion; and for the purposes of this section the conversion of a monthly tenancy into a weekly tenancy, or a weekly tenancy into a monthly tenancy, is a variation of a term of the tenancy, but a variation of the premises let under a tenancy is not.
- (3) This section and section 103 do not apply to a term of a tenancy which—
  - (a) is implied by an enactment, or
  - (b) may be varied under section 93 of the <sup>M1</sup>Rent Act 1977 (housing association and other tenancies: increase of rent without notice to quit).
- (4) This section and section 103 apply in relation to the terms of a periodic tenancy arising by virtue of section 86 (periodic tenancy arising on termination of a fixed term) as they would have applied to the terms of the first tenancy mentioned in that section had that tenancy been a periodic tenancy.

*Status: Point in time view as at 01/04/2016.*

*Changes to legislation: Housing Act 1985, Section 102 is up to date with all changes known to be in force on or before 24 June 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)*

---

**Textual Amendments**

**F1** Words in S. 102(1)(b) inserted (1.4.1993) by [S.I. 1993/651, art. 2\(1\)](#), [Sch. 1 para. 13](#).

---

**Modifications etc. (not altering text)**

**C1** S. 102 modified (16.3.2016 for specified purposes) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), [ss. 28](#), [31\(9\)](#), [36\(5\)](#)

**C2** [S. 102](#) modified (16.3.2016 for specified purposes, 1.4.2016 in so far as not already in force) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), [ss. 31\(9\)](#), [36\(5\)](#); [S.I. 2016/394, reg. 4](#)

---

**Marginal Citations**

**M1** [1977 c. 42](#).

**Status:**

Point in time view as at 01/04/2016.

**Changes to legislation:**

Housing Act 1985, Section 102 is up to date with all changes known to be in force on or before 24 June 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.