

*Status: Point in time view as at 17/12/2009.*

*Changes to legislation: Housing Act 1988, Paragraph 12 is up to date with all changes known to be in force on or before 04 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

###### *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;
  - [<sup>F1</sup>(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;]
  - [<sup>F2</sup>(c) .....
  - (d) an urban development corporation established by an order under section 135 of the <sup>M1</sup>Local Government, Planning and Land Act 1980;
  - [<sup>F3</sup>(da) a National Park authority;]
  - (e) a development corporation, within the meaning of the <sup>M2</sup>New Towns Act 1981;
  - (f) an authority established under section 10 of the <sup>M3</sup>Local Government Act 1985 (waste disposal authorities);
  - [<sup>F4</sup>(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;
  - [<sup>F5</sup>(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, [<sup>F6</sup>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*Status: Point in time view as at 17/12/2009.*

*Changes to legislation: Housing Act 1988, Paragraph 12 is up to date with all changes known to be in force on or before 04 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
- [<sup>F7</sup>(ee) the London Fire and Emergency Planning Authority;]
- (f) a joint authority, within the meaning of the Local Government Act 1985;
- [<sup>F8</sup>(fa) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- (fb) a combined authority established under section 103 of that Act;]
- [<sup>F9</sup>(g) a police authority established under [<sup>F10</sup>section 3 of the Police Act 1996][<sup>F11</sup>and the Metropolitan Police Authority.]]

### Textual Amendments

- F1** 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)
- F2** 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**
- F3** 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)
- F4** 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)**
- F5** 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\(2\)](#))
- F6** 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**
- F7** 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)**
- F8** Sch. 1 para. 12(2)(fa)(fb) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(8), 149, **Sch. 6 para. 79(3)**; [S.I. 2009/3318](#), **art. 2**
- F9** 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.**
- F10** 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)**
- F11** 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)

- C1** 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.](#))
- C2** 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.](#))
- 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.4\(5\)\(b\)](#)};[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 \(c. 34\)](#), 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

- M1** 1980 c. 65.

---

**Status:** Point in time view as at 17/12/2009.

**Changes to legislation:** Housing Act 1988, Paragraph 12 is up to date with all changes known to be in force on or before 04 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)

---

**M2** 1981 c. 64.

**M3** 1985 c. 51.

**Status:**

Point in time view as at 17/12/2009.

**Changes to legislation:**

Housing Act 1988, Paragraph 12 is up to date with all changes known to be in force on or before 04 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.