

## SCHEDULES

### SCHEDULE 1

#### TENANCIES WHICH CANNOT BE ASSURED TENANCIES

##### 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*

- 2 A tenancy under which the dwelling-house has for the time being a rateable value which,—
- (a) if it is in Greater London, exceeds £1,500; and
  - (b) if it is elsewhere, exceeds £750.

###### *Tenancies at a low rent*

- 3 (1) A tenancy under which either no rent is payable or the rent payable is less than two-thirds of the rateable value of the dwelling-house for the time being.
- (2) In determining whether the rent under a tenancy falls within sub-paragraph (1) above, there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, services, management, repairs, maintenance or insurance, unless it could not have been regarded by the parties to the tenancy as a part so payable.

###### *Business tenancies*

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

###### *Licensed premises*

- 5 A tenancy under which the dwelling-house consists of or comprises premises licensed for the sale of intoxicating liquors for consumption on the premises.

###### *Tenancies of agricultural land*

- 6 (1) A tenancy under which agricultural land, exceeding two acres, is let together with the dwelling-house.

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*Status: This is the original version (as it was originally enacted).*

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- (2) In this paragraph “agricultural land” has the meaning set out in section 26(3)(a) of the General Rate Act 1967 (exclusion of agricultural land and premises from liability for rating).

*Tenancies of agricultural holdings*

- 7 A tenancy under which the dwelling-house—
- (a) is comprised in an agricultural holding (within the meaning of the Agricultural Holdings Act 1986); 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.

*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.
- (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

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- (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.

*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.

*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;
  - (b) the Commission for the New Towns;
  - (c) the Development Board for Rural Wales;
  - (d) an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980;
  - (e) a development corporation, within the meaning of the New Towns Act 1981;
  - (f) an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);
  - (g) a residuary body, within the meaning of the Local Government Act 1985;
  - (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, district or London borough;
  - (b) the Common Council of the City of London;
  - (c) the Council of the Isles of Scilly;
  - (d) the Broads Authority;
  - (e) the Inner London Education Authority; and

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- (f) a joint authority, within the meaning of the Local Government Act 1985.

*Transitional cases*

- 13 (1) A protected tenancy, within the meaning of the 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 Rent (Agriculture) Act 1976, the relevant tenancy, within the meaning of that Act, by virtue of which he occupies the dwelling-house.