

Status: Point in time view as at 01/02/1991.

Changes to legislation: *Housing Act 1988, Part III is up to date with all changes known to be in force on or before 14 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 III

PROVISIONS FOR DETERMINING APPLICATION OF PARAGRAPH 10 (RESIDENT LANDLORDS)

- 17 (1) In determining whether the condition in paragraph 10(1)(c) above is at any time fulfilled with respect to a tenancy, there shall be disregarded—
- (a) any period of not more than twenty-eight days, beginning with the date on which the interest of the landlord under the tenancy becomes vested at law and in equity in an individual who, during that period, does not occupy as his only or principal home another dwelling-house which forms part of the building or, as the case may be, flat concerned;
 - (b) if, within a period falling within paragraph (a) above, the individual concerned notifies the tenant in writing of his intention to occupy as his only or principal home another dwelling-house in the building or, as the case may be, flat concerned, the period beginning with the date on which the interest of the landlord under the tenancy becomes vested in that individual as mentioned in that paragraph and ending—
 - (i) at the expiry of the period of six months beginning on that date, or
 - (ii) on the date on which that interest ceases to be so vested, or
 - (iii) on the date on which that interest becomes again vested in such an individual as is mentioned in paragraph 10(1)(c) or the condition in that paragraph becomes deemed to be fulfilled by virtue of paragraph 18(1) or paragraph 20 below,whichever is the earlier; and
 - (c) any period of not more than two years beginning with the date on which the interest of the landlord under the tenancy becomes, and during which it remains, vested—
 - (i) in trustees as such; or
 - (ii) by virtue of section 9 of the ^{M1}Administration of Estates Act 1925, in the Probate Judge, within the meaning of that Act.

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- (2) Where the interest of the landlord under a tenancy becomes vested at law and in equity in two or more persons jointly, of whom at least one was an individual, sub-paragraph (1) above shall have effect subject to the following modifications—
- (a) in paragraph (a) for the words from “an individual” to “occupy” there shall be substituted “the joint landlords if, during that period none of them occupies”; and
 - (b) in paragraph (b) for the words “the individual concerned” there shall be substituted “any of the joint landlords who is an individual” and for the words “that individual” there shall be substituted “the joint landlords”.

Marginal Citations

M1 1925 c. 23.

- 18 (1) During any period when—
- (a) the interest of the landlord under the tenancy referred to in paragraph 10 above is vested in trustees as such, and
 - (b) that interest is or, if it is held on trust for sale, the proceeds of its sale are held on trust for any person who or for two or more persons of whom at least one occupies as his only or principal home a dwelling-house which forms part of the building or, as the case may be, flat referred to in paragraph 10(1)(a), the condition in paragraph 10(1)(c) shall be deemed to be fulfilled and accordingly, no part of that period shall be disregarded by virtue of paragraph 17 above.
- (2) If a period during which the condition in paragraph 10(1)(c) is deemed to be fulfilled by virtue of sub-paragraph (1) above comes to an end on the death of a person who was in occupation of a dwelling-house as mentioned in paragraph (b) of that sub-paragraph, then, in determining whether that condition is at any time thereafter fulfilled, there shall be disregarded any period—
- (a) which begins on the date of the death;
 - (b) during which the interest of the landlord remains vested as mentioned in sub-paragraph (1)(a) above; and
 - (c) which ends at the expiry of the period of two years beginning on the date of the death or on any earlier date on which the condition in paragraph 10(1)(c) becomes again deemed to be fulfilled by virtue of sub-paragraph (1) above.
- 19 In any case where—
- (a) immediately before a tenancy comes to an end the condition in paragraph 10(1)(c) is deemed to be fulfilled by virtue of paragraph 18(1) above, and
 - (b) on the coming to an end of that tenancy the trustees in whom the interest of the landlord is vested grant a new tenancy of the same or substantially the same dwelling-house to a person (alone or jointly with others) who was the tenant or one of the tenants under the previous tenancy,
- the condition in paragraph 10(1)(b) above shall be deemed to be fulfilled with respect to the new tenancy.
- 20 (1) The tenancy referred to in paragraph 10 above falls within this paragraph if the interest of the landlord under the tenancy becomes vested in the personal representatives of a deceased person acting in that capacity.

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- (2) If the tenancy falls within this paragraph, the condition in paragraph 10(1)(c) shall be deemed to be fulfilled for any period, beginning with the date on which the interest becomes vested in the personal representatives and not exceeding two years, during which the interest of the landlord remains so vested.
- 21 Throughout any period which, by virtue of paragraph 17 or paragraph 18(2) above, falls to be disregarded for the purpose of determining whether the condition in paragraph 10(1)(c) is fulfilled with respect to a tenancy, no order shall be made for possession of the dwelling-house subject to that tenancy, other than an order which might be made if that tenancy were or, as the case may be, had been an assured tenancy.
- 22 For the purposes of paragraph 10 above, a building is a purpose-built block of flats if as constructed it contained, and it contains, two or more flats; and for this purpose “flat” means a dwelling-house which—
- (a) forms part only of a building; and
 - (b) is separated horizontally from another dwelling-house which forms part of the same building.

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