

Status: Point in time view as at 01/12/2008.

Changes to legislation: Housing Act 1988, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 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)

SCHEDULES

SCHEDULE 13

Section 119.

AMENDMENTS OF LANDLORD AND TENANT ACT 1987

- 1 In Part I of the ^{M1}Landlord and Tenant Act 1987 (tenants' rights of first refusal), in section 2 (landlords for the purposes of Part I), in subsection (1) after "(2)" there shall be inserted " and section 4(1A) ".

Marginal Citations

M1 1987 c. 31.

- 2 (1) In section 3 of that Act (qualifying tenants), in subsection (1) (paragraphs (a) to (c) of which exclude certain tenants) the word "or" immediately preceding paragraph (c) shall be omitted and at the end of that paragraph there shall be added "or
- (d) an assured tenancy or assured agricultural occupancy within the meaning of Part I of the Housing Act 1988".
- (2) In subsection (2) of that section (which excludes persons having interests going beyond a particular flat), for paragraphs (a) and (b) there shall be substituted the words " by virtue of one or more tenancies none of which falls within paragraphs (a) to (d) of subsection (1), he is the tenant not only of the flat in question but also of at least two other flats contained in those premises "; and in subsection (3) of that section for "(2)(b)" there shall be substituted "(2)".
- 3 (1) In section 4 of that Act (relevant disposals) after subsection (1) there shall be inserted the following subsection—
- "(1A) Where an estate or interest of the landlord has been mortgaged, the reference in subsection (1) above to the disposal of an estate or interest by the landlord includes a reference to its disposal by the mortgagee in exercise of a power of sale or leasing, whether or not the disposal is made in the name of the landlord; and, in relation to such a proposed disposal by the mortgagee, any reference in the following provisions of this Part to the landlord shall be construed as a reference to the mortgagee."
- (2) In subsection (2) of that section, in paragraph (a), at the end of sub-paragraph (i) there shall be inserted "or", sub-paragraph (ii) shall be omitted and at the end of that paragraph there shall be inserted—
- "(aa) a disposal consisting of the creation of an estate or interest by way of security for a loan".
- 4 (1) In Part III of that Act (compulsory acquisition by tenants of their landlord's interest), in section 26 (qualifying tenants), in subsection (2) (which excludes persons having interests going beyond a particular flat) for the words following "if" there shall be substituted " by virtue of one or more long leases none of which constitutes a tenancy

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to which Part II of the Landlord and Tenant Act 1954 applies, he is the tenant not only of the flat in question but also of at least two other flats contained in those premises”.

(2) At the end of the said section 26 there shall be added the following subsection—

“(4) For the purposes of subsection (2) any tenant of a flat contained in the premises in question who is a body corporate shall be treated as the tenant of any other flat so contained and let to an associated company, as defined in section 20(1).”

5 In Part IV of that Act (variation of leases), for subsections (6) and (7) of section 35 (which make provision about long leases) there shall be substituted the following subsection—

“(6) For the purposes of this Part a long lease shall not be regarded as a long lease of a flat if—

- (a) the demised premises consist of or include three or more flats contained in the same building; or
- (b) the lease constitutes a tenancy to which Part II of the Landlord and Tenant Act 1954 applies.”

6 In section 40 (application for variation of insurance provisions of lease of dwelling other than a flat) for subsection (4) (which makes provision about long leases) there shall be substituted the following subsections—

“(4) For the purpose of this section, a long lease shall not be regarded as a long lease of a dwelling if—

- (a) the demised premises consist of three or more dwellings; or
- (b) the lease constitutes a tenancy to which Part II of the Landlord and Tenant Act 1954 applies.

(4A) Without prejudice to subsection (4), an application under subsection (1) may not be made by a person who is a tenant under a long lease of a dwelling if, by virtue of that lease and one or more other long leases of dwellings, he is also a tenant from the same landlord of at least two other dwellings.

(4B) For the purposes of subsection (4A), any tenant of a dwelling who is a body corporate shall be treated as a tenant of any other dwelling held from the same landlord which is let under a long lease to an associated company, as defined in section 20(1).”

7 In Part VII of that Act (general), in section 58 (exempt landlords), in subsection (1) after paragraph (c) there shall be inserted the following paragraph—

“(ca) a housing action trust established under Part III of the Housing Act 1988.”

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