

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Housing Act 1988, Paragraph 2 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 17

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART I

##### GENERAL AMENDMENTS

*The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951*

- 2 For section 16 of that Act (protection of tenure of rented premises by extension of Rent Acts), as it applies otherwise than to Scotland, there shall be substituted the following section—

**“16 Protection of tenure of certain rented premises by extension of Housing Act 1988.**

- (1) Subject to subsection (2) of section 14 of this Act and subsection (3) below, if at any time during a service man’s period of residence protection—
- (a) a tenancy qualifying for protection which is a fixed term tenancy ends without being continued or renewed by agreement (whether on the same or different terms and conditions), and
  - (b) by reason only of such circumstances as are mentioned in subsection (4) below, on the ending of that tenancy no statutory periodic tenancy of the rented family residence would arise, apart from the provisions of this section,

Chapter I of Part I of the Housing Act 1988 shall, during the remainder of the period of protection, apply in relation to the rented family residence as if those circumstances did not exist and had not existed immediately before the ending of that tenancy and, accordingly, as if on the ending of that tenancy there arose a statutory periodic tenancy which is an assured tenancy during the remainder of that period.

- (2) Subject to subsection (2) of section 14 of this Act and subsection (3) below, if at any time during a service man’s period of residence protection—
- (a) a tenancy qualifying for protection which is a periodic tenancy would come to an end, apart from the provisions of this section, and
  - (b) by reason only of such circumstances as are mentioned in subsection (4) below that tenancy is not an assured tenancy, and
  - (c) if that tenancy had been an assured tenancy, it would not have come to an end at that time,

Chapter I of Part I of the Housing Act 1988 shall, during the remainder of the period of protection, apply in relation to the rented family residence as if those circumstances did not exist and, accordingly, as if the tenancy

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had become an assured tenancy immediately before it would otherwise have come to an end.

- (3) Neither subsection (1) nor subsection (2) above applies if, on the ending of the tenancy qualifying for protection, a statutory tenancy arises.
- (4) The circumstances referred to in subsections (1) and (2) above are any one or more of the following, that is to say,—
- (a) that the tenancy was entered into before, or pursuant to a contract made before, Part I of the Housing Act 1988 came into force;
  - (b) that the rateable value (as defined for the purposes of that Act) of the premises which are the rented family residence, or of a property of which those premises form part, exceeded the relevant limit specified in paragraph 2 of Schedule 1 to that Act;
  - (c) that the circumstances mentioned in paragraph 3 or paragraph 6 of that Schedule applied with respect to the tenancy qualifying for protection; and
  - (d) that the reversion immediately expectant on the tenancy qualifying for protection belongs to any of the bodies specified in paragraph 12 of that Schedule.”

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