



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

#### CHAPTER I

#### ASSURED TENANCIES

*Meaning of assured tenancy etc.*

#### **1 Assured tenancies.**

- (1) A tenancy under which a dwelling-house is let as a separate dwelling is for the purposes of this Act an assured tenancy if and so long as—
- the tenant or, as the case may be, each of the joint tenants is an individual; and
  - the tenant or, as the case may be, at least one of the joint tenants occupies the dwelling-house as his only or principal home; and
  - the tenancy is not one which, by virtue of subsection (2) or subsection (6) below, cannot be an assured tenancy.

[<sup>F1</sup>(1A) Subsection (1) has effect subject to section 15A (loss of assured tenancy status).]

- (2) Subject to subsection (3) below, if and so long as a tenancy falls within any paragraph in Part I of Schedule 1 to this Act, it cannot be an assured tenancy; and in that Schedule—
- “tenancy” means a tenancy under which a dwelling-house is let as a separate dwelling;
  - Part II has effect for determining the rateable value of a dwelling-house for the purposes of Part I; and
  - Part III has effect for supplementing paragraph 10 in Part I.

*Status: Point in time view as at 01/12/2014. This version of this provision has been superseded.*

*Changes to legislation: Housing Act 1988, Section 1 is up to date with all changes known to be in force on or before 29 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)*

[<sup>F2</sup>(2A) The Secretary of State may by order replace any amount referred to in paragraphs 2 and 3A of Schedule 1 to this Act by such amount as is specified in the order; and such an order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

- (3) Except as provided in Chapter V below, at the commencement of this Act, a tenancy—
- (a) under which a dwelling-house was then let as a separate dwelling, and
  - (b) which immediately before that commencement was an assured tenancy for the purposes of sections 56 to 58 of the <sup>M1</sup>Housing Act 1980 (tenancies granted by approved bodies),

shall become an assured tenancy for the purposes of this Act.

- (4) In relation to an assured tenancy falling within subsection (3) above—
- (a) Part I of Schedule 1 to this Act shall have effect, subject to subsection (5) below, as if it consisted only of paragraphs 11 and 12; and
  - (b) sections 56 to 58 of the Housing Act 1980 (and Schedule 5 to that Act) shall not apply after the commencement of this Act.

- (5) In any case where—
- (a) immediately before the commencement of this Act the landlord under a tenancy is a fully mutual housing association, and
  - (b) at the commencement of this Act the tenancy becomes an assured tenancy by virtue of subsection (3) above,

then, so long as that association remains the landlord under that tenancy (and under any statutory periodic tenancy which arises on the coming to an end of that tenancy), paragraph 12 of Schedule 1 to this Act shall have effect in relation to that tenancy with the omission of sub-paragraph (1)(h).

<sup>F3</sup>(6) .....

<sup>F3</sup>(7) .....

#### Textual Amendments

- F1** S. 1(1A) inserted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 4](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F2** S. 1(2A) inserted by S.I. 1990/434, reg. 2, [Sch. para. 27](#)
- F3** S. 1(6)(7) repealed (20.1.1997) by 1996 c. 52, s. 227, [Sch. 19 Pt. VIII](#); S.I. 1996/2959, [art. 2](#) (subject to transitional provisions in [Sch. para. 1](#))

#### Modifications etc. (not altering text)

- C1** S. 1(2) 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** S. 1(2) 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\(5\)\(b\)](#) (with [Sch. 7 para. 12\(9\)](#)); S.I. 2006/1060, [art. 2\(1\)\(a\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(a\)](#) (with Sch.)
- C3** S. 1(2) 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** S. 1(2) excluded (16.6.2006 for W. and 6.4.2006 for E.) by [Housing Act 2004 \(c. 34\)](#), [ss. 124\(8\)](#), 270 (with s. 124(9)(10)); S.I. 2006/1535, [art. 2\(a\)](#) (with Sch.); S.I. 2006/1060, [art. 2](#)

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**Marginal Citations**

**M1** 1980 c. 51.

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