



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

### CHAPTER II

#### ASSURED SHORTHOLD TENANCIES

**[<sup>F1</sup>20 Assured shorthold tenancies: pre-Housing Act 1996 tenancies.**

- (1) Subject to subsection (3) below, an assured tenancy which is not one to which section 19A above applies is an assured shorthold tenancy if—
  - (a) it is a fixed term tenancy granted for a term certain of not less than six months,
  - (b) there is no power for the landlord to determine the tenancy at any time earlier than six months from the beginning of the tenancy; and
  - (c) a notice in respect of it is served as mentioned in subsection (2) below.]
- (2) The notice referred to in subsection (1)(c) above is one which—
  - (a) is in such form as may be prescribed;
  - (b) is served before the assured tenancy is entered into;
  - (c) is served by the person who is to be the landlord under the assured tenancy on the person who is to be the tenant under that tenancy; and
  - (d) states that the assured tenancy to which it relates is to be a shorthold tenancy.
- (3) Notwithstanding anything in subsection (1) above, where—
  - (a) immediately before a tenancy (in this subsection referred to as “the new tenancy”) is granted, the person to whom it is granted or, as the case may be, at least one of the persons to whom it is granted was a tenant under an assured tenancy which was not a shorthold tenancy, and

*Status: Point in time view as at 24/07/2020.*

*Changes to legislation: Housing Act 1988, Section 20 is up to date with all changes known to be in force on or before 26 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)*

- (b) the new tenancy is granted by the person who, immediately before the beginning of the tenancy, was the landlord under the assured tenancy referred to in paragraph (a) above,  
 the new tenancy cannot be an assured shorthold tenancy.
- (4) Subject to subsection (5) below, if, on the coming to an end of an assured shorthold tenancy (including a tenancy which was an assured shorthold but ceased to be assured before it came to an end), a new tenancy of the same or substantially the same premises comes into being under which the landlord and the tenant are the same as at the coming to an end of the earlier tenancy, then, if and so long as the new tenancy is an assured tenancy, it shall be an assured shorthold tenancy, whether or not it fulfils the conditions in paragraphs (a) to (c) of subsection (1) above.
- (5) Subsection (4) above does not apply if, before the new tenancy is entered into (or, in the case of a statutory periodic tenancy, takes effect in possession), the landlord serves notice on the tenant that the new tenancy is not to be a shorthold tenancy.
- [<sup>F2</sup>(5A) Subsections (3) and (4) above do not apply where the new tenancy is one to which section 19A above applies]
- (6) In the case of joint landlords—
- (a) the reference in subsection (2)(c) above to the person who is to be the landlord is a reference to at least one of the persons who are to be joint landlords; and
- (b) the reference in subsection (5) above to the landlord is a reference to at least one of the joint landlords.
- <sup>F3</sup>(7) .....

#### Textual Amendments

- F1** S. 20(1) and side-note substituted (28.2.1997) by 1996 c. 52, s. 104, **Sch. 8 para. 2(3)**; S.I. 1997/225, **art. 2** (with **Sch.**)
- F2** S. 20(5A) inserted (28.2.1997) by 1996 c. 52, s. 104, **Sch. 8 para. 2(4)**; S.I. 1997/225, **art. 2** (with **Sch.**)
- F3** S. 20(7) repealed (28.2.1997) by 1996 c. 52, s. 227, **Sch. 19 Pt. IV**; S.I. 1997/225, **art. 2** (with **Sch.**)

**Status:**

Point in time view as at 24/07/2020.

**Changes to legislation:**

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