

Status: Point in time view as at 01/07/2013.

Changes to legislation: Local Government and Housing Act 1989, Cross Heading: Termination of tenancy by the landlord 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 10

SECURITY OF TENURE ON ENDING OF LONG RESIDENTIAL TENANCIES

Modifications etc. (not altering text)

C1 Sch. 10 excluded (1.11.1993) by 1993 c. 28, s. 59(2)(b)(i) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2, 5(a)

Termination of tenancy by the landlord

- 4 (1) Subject to sub-paragraph (2) below and the provisions of this Schedule as to the annulment of notices in certain cases, the landlord may terminate along residential tenancy by a notice in the prescribed form served on the tenant—
- (a) specifying the date at which the tenancy is to come to an end, being either the term date or a later date; and
 - (b) so served not more than twelve nor less than six months before the date so specified.
- (2) In any case where—
- (a) a landlord's notice has been served, and
 - (b) an application has been made to the court or [^{F1}the appropriate tribunal] under the following provisions of this Schedule other than paragraph 6, and
 - (c) apart from this paragraph, the effect of the notice would be to terminate the tenancy before the expiry of the period of three months beginning with the date on which the application is finally disposed of,
- the effect of the notice shall be to terminate the tenancy at the expiry of the said period of three months and not at any other time.
- (3) The reference in sub-paragraph (2)(c) above to the date on which the application is finally disposed of shall be construed as a reference to the earliest date by which the proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired, except that if the application is withdrawn or any appeal is abandoned the reference shall be construed as a reference to the date of withdrawal or abandonment.
- (4) In this Schedule “the date of termination”, in relation to a tenancy in respect of which a landlord's notice is served, means,—
- (a) where the tenancy is continued as mentioned in sub-paragraph (2) above, the last day of the period of three months referred to in that sub-paragraph; and
 - (b) in any other case, the specified date of termination.
- (5) A landlord's notice shall not have effect unless—
- (a) it proposes an assured monthly periodic tenancy of the dwelling-house and a rent for that tenancy (such that it would not be a tenancy at a low rent) and, subject to sub-paragraph (6) below, states that the other terms of the tenancy

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- shall be the same as those of the long residential tenancy immediately before it is terminated (in this Schedule referred to as “the implied terms”); or
- (b) it gives notice that, if the tenant is not willing to give up possession at the date of termination of the property let under the tenancy, the landlord proposes to apply to the court, on one or more of the grounds specified in paragraph 5(1) below, for the possession of the property let under the tenancy and states the ground or grounds on which he proposes to apply.
- (6) In the landlord’s notice proposing an assured tenancy the landlord may propose terms of the tenancy referred to in sub-paragraph (5)(a) above different from the implied terms; and any reference in the following provisions of this Schedule to the terms of the tenancy specified in the landlord’s notice is a reference to the implied terms or, if the implied terms are varied by virtue of this sub-paragraph, to the implied terms as so varied.
- (7) A landlord’s notice shall invite the tenant, within the period of two months beginning on the date on which the notice was served, to notify the landlord in writing whether,
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- (a) in the case of a landlord’s notice proposing an assured tenancy, the tenant wishes to remain in possession; and
- (b) in the case of a landlord’s notice to resume possession, the tenant is willing to give up possession as mentioned in sub-paragraph (5)(b) above;
- and references in this Schedule to an election by the tenant to retain possession are references to his notifying the landlord under this sub-paragraph that he wishes to remain in possession or, as the case may be, that he is not willing to give up possession.

Textual Amendments

- F1** Words in [Sch. 10 para. 4\(2\)\(b\)](#) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 95\(2\)](#) (with [Sch. 3](#))

- [^{F2}4A For the purposes of this Schedule, “appropriate tribunal” means—
- (a) in relation to a dwelling-house in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to a dwelling-house in Wales, a rent assessment committee.]

Textual Amendments

- F2** [Sch. 10 para. 4A](#) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 95\(3\)](#) (with [Sch. 3](#))

- 5 (1) Subject to the following provisions of this paragraph, the grounds mentioned in paragraph 4(5)(b) above are—
- (a) Ground 6 in, and those in Part II of, Schedule 2 to the 1988 Act, other than Ground 16;
- (b) the ground that, for the purposes of redevelopment after the termination of the tenancy, the landlord proposes to demolish or reconstruct the whole or a substantial part of the premises; and
- (c) the ground that the premises or part of them are reasonably required by the landlord for occupation [^{F3}as a residence for—

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- (i) himself,
 - (ii) any son or daughter of his over eighteen years of age,
 - (iii) his father or mother, or
 - (iv) the father, or mother, of his spouse or civil partner,
- and,] if the landlord is not the immediate landlord, that he will be at the specified date of termination.
- (2) Ground 6 in Schedule 2 to the 1988 Act may not be specified in a landlord’s notice to resume possession if the tenancy is a former 1954 Act tenancy; and in the application of that Ground in accordance with sub-paragraph (1) above in any other case, paragraph (c) shall be omitted.
- (3) In its application in accordance with sub-paragraph (1) above, Ground 10 in Schedule 2 to the 1988 Act shall have effect as if, in paragraph (b)—
- (a) the words “except where subsection (1)(b) of section 8 of this Act applies” were omitted; and
 - (b) for the words “notice under that section relating to those proceedings” there were substituted “ landlord’s notice to resume possession (within the meaning of Schedule 10 to the Local Government and Housing Act 1989) ”.
- (4) The ground mentioned in sub-paragraph (1)(b) above may not be specified in a landlord’s notice to resume possession unless the landlord is a body to which section 28 of the ^{M1}Leasehold Reform Act 1967 applies and the premises are required for relevant development within the meaning of that section; and on any application by such a body under paragraph 13 below for possession on that ground, a certificate given by a Minister of the Crown as provided by subsection (1) of that section shall be conclusive evidence that the premises are so required.
- (5) The ground mentioned in sub-paragraph (1)(c) above may not be specified in a landlord’s notice to resume possession if the interest of the landlord, or an interest which is merged in that interest and but for the merger would be the interest of the landlord, was purchased or created after 18th February 1966.

Textual Amendments

F3 Words in [Sch. 10 para. 5\(1\)\(c\)](#) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(2\), Sch. 8 para. 46](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)

Marginal Citations

M1 [1967 c. 88.](#)

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