

SCHEDULES

SCHEDULE 5

Section 58.

APPLICATION OF LANDLORD AND TENANT ACT 1954 TO ASSURED TENANCIES

- 1 The exceptions and modifications referred to in section 58(1) and (2) of this Act are as follows.
- 2 Sections 23, 43 and 56 to 60B do not apply.
- 3 In relation to an assured tenancy the expression " the holding " (which is defined for the purposes of Part II in section 23(3)) means the property comprised in the tenancy.
- 4 (1) Section 30 applies as if—
 - (a) for paragraph (d) in subsection (1) there were substituted the following paragraph—
 - “(d) that the landlord has offered and is willing to provide or secure the provision of suitable alternative accommodation for the tenant,”;
 - (b) in subsection (2) for the words from " a tenancy " to the end there were substituted the words " an assured tenancy or successive assured tenancies "; and
 - (c) at the end there were added the subsections set out in sub paragraph (2) below.
- (2) The following are the subsections added to section 30 in its application to assured tenancies—
 - “(4) Accommodation shall be deemed to be suitable if it consists of either—
 - (a) premises which are to be let as a separate dwelling such that they will then be let on an assured tenancy or on a protected or secure tenancy, or
 - (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to that afforded by this Part of this Act in the case of an assured tenancy,and, in the opinion of the court, the accommodation fulfils the conditions mentioned below.
 - (5) The conditions are that the accommodation is reasonably suitable to—
 - (a) the needs of the tenant and his family as regards proximity to place of work ;
 - (b) the means of the tenant; and
 - (c) the needs of the tenant and his family as regards extent and character; andthat if any furniture was provided for use under the assured tenancy in question, furniture is provided for use in the accommodation which is either

Status: This is the original version (as it was originally enacted).

similar to that so provided or is reasonably suitable to the needs of the tenant and his family.

(6) Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Housing Act 1957.

(7) In this section—

" assured tenancy " has the same meaning as in section 56 of the Housing Act 1980 ;

" protected tenancy " means a protected tenancy within the meaning of the Rent Act 1977, other than one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of Schedule 15 to that Act (cases where the court must order possession); and " secure tenancy " has the same meaning as in section 28 of the Act of 1980.”

5 Section 31A applies as if in subsection (1)(a) for the words " for the purposes of the business carried on by the tenant" there were substituted " as a residence for the tenant and his family " .

6 Section 34 applies as if in subsection (2)(b) for the words from "tenancies" to the end there were substituted the words " assured tenancies (within the meaning of section 56 of the Housing Act 1980); and " .

7 Section 37 applies as if for subsections (2) and (3) there were substituted the following subsection—

“(2) The said amount shall be the rateable value of the holding.”.

8 Section 38 applies as if in subsection (2) the words from the beginning to the end of paragraph (b), and subsection (3), were omitted.

9 Section 63(7)(a) applies as if reference to section 23(3) of the Act of 1954 were a reference to paragraph 3 of this Schedule.