



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

### *Supplementary provisions*

#### **38 Minor definitions.**

In this Act—

“address” means a person’s place of abode or place of business or, in the case of a company, its registered office;

[<sup>F1</sup>“appropriate tribunal” means—

(a) in relation to a dwelling 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 in Wales, a leasehold valuation tribunal;]

[<sup>F2</sup>“arbitration agreement”, “arbitration proceedings” and “arbitral tribunal” have the same meaning as in Part I of the <sup>M1</sup> Arbitration Act 1996 [<sup>F3</sup> and post-dispute arbitration agreement”, in relation to any matter, means an arbitration agreement made after a dispute about the matter has arisen;];]

“co-operative housing association” has the same meaning as in the <sup>M2</sup>Housing Associations Act 1985;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“housing association” has the same meaning as in the Housing Associations Act 1985;

“local authority” means a district, county [<sup>F4</sup>county borough] or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly and in sections 14(4), 26(1) and 28(6) includes . . . <sup>F5</sup>[<sup>F6</sup>the Broads Authority][<sup>F7</sup>, a police and crime commissioner, the Mayor’s Office for Policing and Crime], . . . <sup>F8</sup>. . . a joint authority established by Part IV of the <sup>M3</sup>Local Government Act 1985 [<sup>F9</sup>an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act, [<sup>F10</sup>a combined county authority established under section 9(1)

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of the Levelling-up and Regeneration Act 2023,] a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,]<sup>F11</sup> ... [<sup>F12</sup>and the London Fire Commissioner];

“local housing authority” has the meaning given by section 1 of the <sup>M4</sup>Housing Act 1985;

“new town corporation” means—

- (a) a development corporation established by an order made, or treated as made, under the <sup>M5</sup>New Towns Act 1981,
- [<sup>F13</sup>(b) the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1) (a) to (d) of the Housing and Regeneration Act 2008,
- [<sup>F14</sup>(ba) the Greater London Authority so far as exercising its new towns and urban development functions, or]
- (c) the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981;]

“protected tenancy” has the same meaning as in the Rent Act 1977;

[<sup>F15</sup>“registered social landlord” has the same meaning as in the Housing Act 1985 (see section 5(4) and (5) of that Act);]

“restricted contract” has the same meaning as in the Rent Act 1977;

“urban development corporation” has the same meaning as in Part XVI of the <sup>M6</sup>Local Government, Planning and Land Act 1980.

#### Textual Amendments

- F1** Definition in s. 38 inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 56** (with Sch. 3)
- F2** Definition in s. 38 inserted (1.9.1997) by [1996 c. 52, s. 83\(5\)](#); S.I. 1997/1851, **art. 2**
- F3** Words in s. 38 inserted (30.9.2003 for E. and 30.3.2004 for W.) by virtue of [2002 c. 15, ss. 155\(2\), 181\(1\)](#); S.I. 2003/1986, **art. 2(c)(i)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(i)** (subject to Sch. 2)
- F4** Words in s. 38 inserted (1.4.1996) by [1994 c. 19, s. 22\(2\)](#), **Sch. 8 para. 7** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F5** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F6** Words inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 23(2), 27(2), **Sch. 6 para. 26**
- F7** Words in s. 38 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 170**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 49)
- F8** Word in s. 38 repealed (3.7.2000) by [1999 c. 29, s. 423](#), **Sch. 34 Pt. VIII** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(i)**
- F9** S. 38: words in definition of "local authority" inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), **Sch. 6 para. 70**; S.I. 2009/3318, **art. 2(b)(c)**
- F10** Words in s. 38 inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), **Sch. 4 para. 86** (with s. 247)
- F11** Words in s. 38 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(20)**; S.I. 2015/994, art. 6(g)
- F12** Words in s. 38 substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 2 para. 75**; S.I. 2018/227, reg. 4(c)
- F13** S. 38(b)(c) substituted for s. 38(b) and preceding word (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 56, 325, **Sch. 8 para. 36**; S.I. 2008/3068, **art. 2(1)(w)** (with arts. 6-13)

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**F14** S. 38(ba) substituted for word (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 19 para. 22; S.I. 2012/628, art. 6\(i\)](#) (with arts. 9, 11, 14, 15, 17)

**F15** Definition in s. 38 substituted (1.10.1996) by [S.I. 1996/2325, art. 5\(1\), Sch. 2 para. 16\(4\)](#)

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

**C1** S. 38 extended by [S.I. 1985/1884, art. 10, Sch. 3 para. 4\(y\)](#)

**C2** S. 38 excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\), art. 1\(2\), Sch. 2 para. 10](#)

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**Marginal Citations**

**M1** 1996 c. 23.

**M2** 1985 c. 69.

**M3** 1985 c. 51

**M4** 1985 c. 68.

**M5** 1981 c. 64.

**M6** 1980 c. 65.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(1AB) inserted by [2016 c. 22 Sch. 7 para. 18\(2\)](#)