



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

### *Implied terms as to fitness for human habitation*

#### **[<sup>F1</sup>9B] Leases to which section 9A applies**

- (1) Section 9A applies to a lease under which a dwelling is let wholly or mainly for human habitation if either of the following applies—
- (a) the lease is for a term of less than 7 years, or
  - (b) the lease is of a kind mentioned in subsection (1A) or (1AB) of section 13 (leases to which section 11 applies: secure, assured or introductory tenancies for fixed term of 7 years or more).

This is subject as follows.

- (2) Section 9A does not apply to any lease of a kind mentioned in section 14 (exceptions for leases to which section 11 applies).
- (3) Except as mentioned in subsections (4), (5) and (6), section 9A does not apply to a lease granted—
- (a) before the commencement date, or
  - (b) on or after that date in pursuance of an agreement entered into, or an order of a court made, before the commencement date.
- (4) Section 9A applies to a periodic or secure tenancy that is in existence on the commencement date, but in the case of any such tenancy the covenant implied by that section has effect in the following way—
- (a) subsection (1)(a) of that section has effect as if the reference to the later of the times there mentioned were a reference to the time that begins at the end of the period of 12 months beginning with the commencement date, and
  - (b) subsection (1)(b) of that section has effect only in respect of times falling after the end of that 12 month period.
- (5) Section 9A applies to a periodic or secure tenancy that comes into existence after the commencement date on expiry of a term of a lease granted before that date.
- (6) Section 9A applies to a lease for a fixed term which—



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**Changes to legislation:** Landlord and Tenant Act 1985, Section 9B is up to date with all changes known to be in force on or before 10 April 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) View outstanding changes

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- (a) is granted or renewed before the commencement date, and
- (b) is renewed for a further fixed term on or after that date,

and for this purpose the renewal on or after the commencement date is to be treated as a grant of the lease on or after that date.

(7) For the purposes of subsection (1) it is immaterial—

- (a) whether the dwelling is to be occupied under the lease or under an inferior lease derived out of it, or
- (b) that the lease also demises other property (which may consist of or include one or more other dwellings).

(8) In determining for the purposes of subsection (1)(a) whether a lease is for a term of less than 7 years—

- (a) any part of the term falling before the grant or creation is to be ignored and the lease is to be treated as a lease for a term commencing with the grant or creation;
- (b) a lease which is determinable at the option of the lessor before the expiry of 7 years from the commencement of the term is to be treated as a lease for a term of less than 7 years;
- (c) a lease (other than one to which paragraph (b) applies) is not to be treated as a lease for a term of less than 7 years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to 7 years or more.

(9) In this section—

“the commencement date” means the date on which the Homes (Fitness for Human Habitation) Act 2018 comes into force;

“lease”, “lessee” and “lessor” have the same meanings as in section 9A;

“secure tenancy” has the meaning given by section 79 of the Housing Act 1985.]

#### Textual Amendments

**F1** Ss. 9A-9C inserted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\)](#), ss. **1(3)**, **2(2)**



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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\(2\)](#)