
Changes to legislation: Housing Act 1988, Paragraph 17 is up to date with all changes known to be in force on or before 19 January 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

SCHEDULES

SCHEDULE 1

TENANCIES WHICH CANNOT BE ASSURED TENANCIES

Modifications etc. (not altering text)

- C1** Sch. 1 modified by [Local Government and Housing Act 1989 \(c. 42, SIF 75:1\)](#), s. 186, Sch. 10 paras. 1(2), 21, **22**

PART III

PROVISIONS FOR DETERMINING APPLICATION OF PARAGRAPH 10 (RESIDENT LANDLORDS)

- 17 (1) In determining whether the condition in paragraph 10(1)(c) above is at any time fulfilled with respect to a tenancy, there shall be disregarded—
- (a) any period of not more than twenty-eight days, beginning with the date on which the interest of the landlord under the tenancy becomes vested at law and in equity in an individual who, during that period, does not occupy as his only or principal home another dwelling-house which forms part of the building or, as the case may be, flat concerned;
 - (b) if, within a period falling within paragraph (a) above, the individual concerned notifies the tenant in writing of his intention to occupy as his only or principal home another dwelling-house in the building or, as the case may be, flat concerned, the period beginning with the date on which the interest of the landlord under the tenancy becomes vested in that individual as mentioned in that paragraph and ending—
 - (i) at the expiry of the period of six months beginning on that date, or
 - (ii) on the date on which that interest ceases to be so vested, or
 - (iii) on the date on which that interest becomes again vested in such an individual as is mentioned in paragraph 10(1)(c) or the condition in that paragraph becomes deemed to be fulfilled by virtue of paragraph 18(1) or paragraph 20 below,whichever is the earlier; and
 - (c) any period of not more than two years beginning with the date on which the interest of the landlord under the tenancy becomes, and during which it remains, vested—
 - (i) in trustees as such; or
 - (ii) by virtue of section 9 of the ^{M1}Administration of Estates Act 1925, in [^{F1}the Probate Judge or the Public trustee].
- (2) Where the interest of the landlord under a tenancy becomes vested at law and in equity in two or more persons jointly, of whom at least one was an individual, sub-paragraph (1) above shall have effect subject to the following modifications—

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- (a) in paragraph (a) for the words from “an individual” to “occupy” there shall be substituted “the joint landlords if, during that period none of them occupies”; and
- (b) in paragraph (b) for the words “the individual concerned” there shall be substituted “any of the joint landlords who is an individual” and for the words “that individual” there shall be substituted “the joint landlords”.

Textual Amendments

F1 Words in Sch. 1 para. 17(1)(c)(ii) substituted (1.7.1995) by 1994 c. 36, s. 21(1), **Sch. 1 para. 11** (with s. 20); S.I. 1995/1317, **art. 2**

Marginal Citations

M1 1925 c. 23.

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

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

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)