



# Housing Act 1988

## 1988 CHAPTER 50

### PART I

#### RENTED ACCOMMODATION

### CHAPTER V

#### PHASING OUT OF RENT ACTS AND OTHER TRANSITIONAL PROVISIONS

#### **37 No further assured tenancies under Housing Act 1980.**

- (1) A tenancy which is entered into on or after the commencement of this Act cannot be an assured tenancy for the purposes of sections 56 to 58 of the <sup>M1</sup>Housing Act 1980 (in this section referred to as a “1980 Act tenancy”).
- (2) In any case where—
  - (a) before the commencement of this Act, a tenant under a 1980 Act tenancy made an application to the court under section 24 of the <sup>M2</sup>Landlord and Tenant Act 1954 (for the grant of a new tenancy), and
  - (b) at the commencement of this Act the 1980 Act tenancy is continuing by virtue of that section or of any provision of Part IV of the said Act of 1954,section 1(3) of this Act shall not apply to the 1980 Act tenancy.
- (3) If, in a case falling within subsection (2) above, the court makes an order for the grant of a new tenancy under section 29 of the <sup>M3</sup>Landlord and Tenant Act 1954, that tenancy shall be an assured tenancy for the purposes of this Act.
- (4) In any case where—
  - (a) before the commencement of this Act a contract was entered into for the grant of a 1980 Act tenancy, but
  - (b) at the commencement of this Act the tenancy had not been granted,the contract shall have effect as a contract for the grant of an assured tenancy (within the meaning of this Act).

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**Changes to legislation:** Housing Act 1988, Section 37 is up to date with all changes known to be in force on or before 16 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](#)

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- (5) In relation to an assured tenancy falling within subsection (3) above or granted pursuant to a contract falling within subsection (4) above, Part I of Schedule 1 to this Act shall have effect as if it consisted only of paragraphs 11 and 12; and, if the landlord granting the tenancy is a fully mutual housing association, then, so long as that association remains the landlord under that tenancy (and under any statutory periodic tenancy which arises on the coming to an end of that tenancy), the said paragraph 12 shall have effect in relation to that tenancy with the omission of sub-paragraph (1)(h).
- (6) Any reference in this section to a provision of the Landlord and Tenant Act 1954 is a reference only to that provision as applied by section 58 of the <sup>M4</sup>Housing Act 1980.
- [<sup>F1</sup>(7) Nothing in this section that purports to grant an assured tenancy, or purports to grant a contract for the grant of an assured tenancy, applies to a dwelling-house in Wales (see section 240 of the Renting Homes (Wales) Act 2016 ([anaw 1](#)) for provision about the conversion of existing tenancies to occupation contracts, and section 241 for provision about pre-existing contracts).]

#### Textual Amendments

- F1** S. 37(7) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(5)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)

#### Marginal Citations

- M1** 1980 c. 51.  
**M2** 1954 c. 56.  
**M3** 1954 c. 56.  
**M4** 1980 c. 51.

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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](#)