Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER VI

GENERAL PROVISIONS

45 Interpretation of Part I.

(1) In this Part of this Act, except where the context otherwise requires,—

[[F1]"appropriate tribunal" means—

(a) in relation to a dwelling-house in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal;

(b) in relation to a dwelling-house in Wales, a rent assessment committee;**]**

"dwelling-house" may be a house or part of a house;

"fixed term tenancy" means any tenancy other than a periodic tenancy;

"fully mutual housing association" has the same meaning as in Part I of the [M1]Housing Associations Act 1985;

"landlord" includes any person from time to time deriving title under the original landlord and also includes, in relation to a dwelling-house, any person other than a tenant who is, or but for the existence of an assured tenancy would be, entitled to possession of the dwelling-house;

"let" includes "sub-let";

"prescribed" means prescribed by regulations made by the Secretary of State by statutory instrument;

"rates" includes water rates and charges but does not include an owner's drainage rate, as defined in section 63(2)(a) of the [M2]Land Drainage Act 1976;

Changes to legislation: *Housing Act 1988, Section 45 is up to date with all changes known to be in force on or before 20 May 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*

[[F2]"secure contract" has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);**]**

"secure tenancy" has the meaning assigned by section 79 of the [M3]Housing Act 1985;

"statutory periodic tenancy" has the meaning assigned by section 5(7) above;

"tenancy" includes a sub-tenancy and an agreement for a tenancy or sub-tenancy; and

"tenant" includes a sub-tenant and any person deriving title under the original tenant or sub-tenant.

(2) Subject to paragraph 11 of Schedule 2 to this Act, any reference in this Part of this Act to the beginning of a tenancy is a reference to the day on which the tenancy is entered into or, if it is later, the day on which, under the terms of any lease, agreement or other document, the tenant is entitled to possession under the tenancy.

(3) Where two or more persons jointly constitute either the landlord or the tenant in relation to a tenancy, then, except where this Part of this Act otherwise provides, any reference to the landlord or to the tenant is a reference to all the persons who jointly constitute the landlord or the tenant, as the case may require.

(4) For the avoidance of doubt, it is hereby declared that any reference in this Part of this Act (however expressed) to a power for a landlord to determine a tenancy does not include a reference to a power of re-entry or forfeiture for breach of any term or condition of the tenancy.

(5) Regulations under subsection (1) above may make different provision with respect to different cases or descriptions of case, including different provision for different areas.

Textual Amendments

F1 Words in s. 45(1) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 94** (with Sch. 3)

F2 Words in s. 45(1) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **16(7)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)

Marginal Citations

M1 1985 c. 69.

M2 1976 c. 70.

M3 1985 c. 68.

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View outstanding changes

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