

Changes to legislation: Local Government and Housing Act 1989, Paragraph 12 is up to date with all changes known to be in force on or before 19 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

SCHEDULES

SCHEDULE 10

SECURITY OF TENURE ON ENDING OF LONG RESIDENTIAL TENANCIES

Modifications etc. (not altering text)

C1 Sch. 10 excluded (1.11.1993) by 1993 c. 28, s. 59(2)(b)(i) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2, 5(a)

Initial rent under and terms of assured periodic tenancy [F1 or periodic standard contract]

Textual Amendments

F1 Words in Sch. 10 para. 10 heading inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), 18(5)(g)(i)

- 12 (1) Subsections (2) to (4) of section 41 of the 1988 Act (rent assessment committees: information powers) shall apply where there is a reference to a rent assessment committee under the preceding provisions of this Schedule as they apply where a matter is referred to such a committee under Chapter I or Chapter II of Part I of the 1988 Act.
- (2) Nothing in paragraph 10 or paragraph 11 above affects the right of the landlord and the tenant to agree any terms [F1 (including a term relating to the rent) of the assured periodic tenancy of the dwelling-house in England or of the periodic standard contract of a dwelling-house in Wales subject to section 20 (incorporation and modification of fundamental provisions), section 24 (incorporation and modification of supplementary provisions) and section 28 (additional terms) of the 2016 Act,] before the tenancy takes effect in possession (in this sub-paragraph referred to as “the expressly agreed terms”); and, in such case,—
- (a) the expressly agreed terms shall be terms of the tenancy in substitution for any terms dealing with the same subject matter which would otherwise, by virtue of paragraph 10 or paragraph 11 above, be terms of the tenancy; and
 - (b) where a reference has already been made to a rent assessment committee under sub-paragraph (2) of paragraph 10 above but there has been no determination by the committee under paragraph 11 above,—
 - (i) the committee shall have regard to the expressly agreed terms, as notified to them by the landlord and the tenant, in deciding, for the purposes of paragraph 11 above, what the disputed terms are and whether there is any dispute as to the rent; and
 - (ii) in making any determination under paragraph 11 above the committee shall not make any adjustment of the expressly agreed terms, as so notified.

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(3) Nothing in paragraph 11 above requires a rent assessment committee to continue with a determination under that paragraph—

- (a) if the long residential tenancy has come to an end; or
- (b) if the landlord serves notice in writing on the committee that he no longer requires such a determination;

and, where the landlord serves notice as mentioned in paragraph (b) above, then, for the purposes of sub-paragraph (2) of paragraph 10 above, the landlord shall be treated as not having made a reference under paragraph (a) of that sub-paragraph and, accordingly, paragraph (b) of that sub-paragraph shall, subject to sub-paragraph (2) above, have effect for determining rent and other terms of the assured periodic tenancy [^{F2}or the periodic standard contract].

Textual Amendments

- F1** Words in Sch. 10 para. 12(2) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(i)(i)**
- F2** Words in Sch. 10 para. 12(3) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **18(5)(i)(ii)**

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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. 65(2)(b)(ii) inserted by [2004 c. 23 Sch. 2 para. 11](#) (Pt. IV repealed (18.11.2003 for E. for the repeal of ss. 45, 53, 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E. in so far as not already in force) by Local Government Act 2003 (c. 26), s. 128(6), Sch. 7 para. 29; S.I. 2003/2938, arts. 3(h), 7(b) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 2))
- s. 76A76B inserted by [2014 c. 29 s. 24\(2\)](#)
- s. 87(1A) inserted by [2014 c. 29 s. 24\(5\)](#)