

1988 No. 2236

LANDLORD AND TENANT, ENGLAND AND WALES

The Assured and Protected Tenancies (Lettings to Students) Regulations 1988

<i>Made</i> - - - -	<i>21st December 1988</i>
<i>Laid before Parliament</i>	<i>22nd December 1988</i>
<i>Coming into force</i>	<i>15th January 1989</i>

In exercise of the powers conferred on the Secretary of State by section 8 of the Rent Act 1977(a) and paragraph 8 of Schedule 1 to the Housing Act 1988(b), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

1. These Regulations may be cited as the Assured and Protected Tenancies (Lettings to Students) Regulations 1988 and shall come into force on 15th January 1989.

2. In these Regulations –

“assisted” has the same meaning as in section 114(2)(b) of the Education Act 1944(c);

“further education” means –

- (a) full-time and part-time education for persons over compulsory school age (including vocational, social, physical and recreational training); and
- (b) organised leisure-time occupation provided in connection with the provision of such education;

but does not include higher education;

“higher education” means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988(d);

“publicly funded” shall mean that the relevant institution is –

- (a) provided or assisted by a local education authority;
- (b) in receipt of grant under regulations made under section 100(1)(b) of the Education Act 1944(e); or
- (c) within the PCFC funding sector by virtue of section 132 of the Education Reform Act 1988; and

“the relevant enactments” means section 8 of the Rent Act 1977 and paragraph 8 of Schedule 1 to the Housing Act 1988 (lettings to students).

(a) 1977 c.42.

(b) 1988 c.50.

(c) 1944 c.31; section 114(2)(b) is prospectively repealed in part by Schedule 13 to the Education Reform Act 1988 (c.40).

(d) 1988 c.40.

(e) 1944 c.31; section 100(1)(b) was amended by section 213(3) of the Education Reform Act 1988.

3. The following institutions are hereby specified as educational institutions for the purposes of the relevant enactments, that is to say –

- (a) any university or university college and any constituent college, school or hall or other institution of a university;
- (b) any other institution which provides further education or higher education or both and which is publicly funded;
- (c) the David Game Tutorial College, London.

4. The following bodies of persons (whether unincorporated or bodies corporate) are hereby specified as bodies for the purposes of the relevant enactments, that is to say –

- (a) the governing body of any educational institution specified in Regulation 3 above;
- (b) the body, other than a local education authority, providing any such educational institution, and
- (c) a body listed in the Schedule to these Regulations.

5. The Protected Tenancies (Exceptions) Regulations 1986(a) and the Protected Tenancies (Exceptions) (Amendment) Regulations 1988(b) are hereby revoked.

SCHEDULE

SPECIFIED BODIES UNDER REGULATION 4(C)

AFSIL Limited
Birmingham Friendship Housing Association
Bishop Creighton House, London
Carrs Lane Church Centre, Birmingham
Ducane Housing Association Limited
The City University Students' Union
Hamtun Housing Association Limited, Southampton
Hull Students Welfare Association
International Students Housing Society, Woolwich
International Students Trust, London
Leicester University Students Union
London House for Overseas Graduates, London
Oxford Overseas Student Housing Association Limited
Oxford Polytechnic Housing Association Limited
St Thomas More Housing Society Limited, Oxford
Student Homes Limited, London
The University of Sussex Catholic Chaplaincy Association
Victoria League for Commonwealth Friendship, London
Wandsworth Students Housing Association Limited
York Housing Association Limited

19th December 1988

Kenneth Baker
Secretary of State for Education and Science

21st December 1988

Peter Walker
Secretary of State for Wales

(a) S.I. 1986/541.
(b) S.I. 1988/1683.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 8 of the Rent Act 1977 and paragraph 8 of Schedule 1 to the Housing Act 1988 excepts from the definition of "protected tenancy" and "assured tenancy" in section 1 of the respective Acts a tenancy granted to a student, or prospective student, at an educational institution specified for the purposes of the said section 8 or paragraph 8 by regulations if the tenancy is granted by such an institution or by a body so specified.

These Regulations consolidate the Regulations specifying institutions and bodies for the purposes of section 8 and specifies the same and certain other institutions and bodies for the purposes of the said paragraph 8.