

## SCHEDULE 1

Regulation 2

### Excluded tenancies

#### Private registered provider of social housing

1. A tenancy where the landlord is a private registered provider of social housing<sup>(1)</sup>.

#### Shared accommodation with landlord or landlord's family

2.—(1) A tenancy under the terms of which the occupier shares any accommodation with the landlord or a member of the landlord's family.

(2) For the purposes of this paragraph—

- (a) an occupier shares accommodation with another person if the occupier has the use of an amenity in common with that person (whether or not also in common with others);
- (b) “amenity” includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access;
- (c) a person is a member of the same family as another person if—
  - (i) those persons live as a couple;
  - (ii) one of them is the relative of the other; or
  - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple;
- (d) “couple” means two people who are married to, or civil partners of, each other or who live together as if they are a married couple or civil partners;
- (e) “relative” means parent, grandparent, child, grandchild, brother, sister, aunt, uncle, nephew, niece or cousin;
- (f) a relationship of the half-blood is to be treated as a relationship of the whole blood; and
- (g) a stepchild of a person is to be treated as that person's child.

#### Long leases

3.—(1) A tenancy that—

- (a) is a long lease; or
- (b) grants a right of occupation for a term of 7 years or more.

(2) In this paragraph “long lease” means a lease which is a long lease for the purposes of section 7 of the Leasehold Reform, Housing and Urban Development Act 1993<sup>(2)</sup> or which, in the case of a shared ownership lease (within the meaning given by section 7(7) of that Act), would be such a lease if the tenant's total share (within the meaning given by that section) were 100 per cent.

(3) A tenancy does not grant a right of occupation for a term of 7 years or more if the agreement can be terminated at the option of a party before the end of 7 years from the commencement of the term.

#### Student halls of residence

4.—(1) A tenancy that grants a right of occupation in a building which—

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(1) See section 80(3) of the Housing and Regeneration Act 2008 (c. 17) for meaning of “private registered provider of social housing”. Section 80(3) was substituted by S.I. 2010/844.

(2) 1993 c. 28

- (a) is used wholly or mainly for the accommodation of students, and
- (b) is a hall of residence.

(2) In this paragraph “student” has the same meaning as in an order made under paragraph 4 of Schedule 1 to the Local Government Finance Act 1992<sup>(3)</sup>.

### Hostels and refuges

5.—(1) A tenancy that grants a right of occupation in a hostel or refuge.

(2) In this paragraph “hostel” means a building which satisfies the following two conditions.

(3) The first condition is that the building is used for providing to persons generally, or to a class of persons—

- (a) residential accommodation otherwise than in separate and self-contained premises; and
- (b) board or facilities for the preparation of food adequate to the needs of those persons (or both).

(4) The second condition is that either of the following applies in relation to the building—

- (a) it is managed by a private registered provider of social housing;
- (b) it is not operated on a commercial basis and its costs of operation are provided whole or in part by a government department or agency, or by a local authority; or
- (c) it is managed by a voluntary organisation or charity.

(5) In this paragraph “refuge” means a building which satisfies the second condition in sub-paragraph (4) and is used wholly or mainly for providing accommodation to persons who have been subject to any incident, or pattern of incidents, of—

- (a) controlling, coercive or threatening behaviour;
- (b) physical violence;
- (c) abuse of any other description (whether physical or mental in nature); or
- (d) threats of any such violence or abuse.

(6) In this paragraph “government department” includes any body or authority exercising statutory functions on behalf of the Crown.

(7) In this paragraph “voluntary organisation” means a body, other than a public or local authority, whose activities are not carried on for profit.

### Care homes

6.—(1) A tenancy that grants a right of occupation in a care home.

(2) In this paragraph “care home” has the meaning given in section 3 of the Care Standards Act 2000<sup>(4)</sup>.

### Hospitals and hospices

7.—(1) A tenancy that grants a right of occupation in a hospital or hospice.

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(3) 1992 c. 14

(4) 2000 c. 14. Heading was substituted by Schedule 3(1), paragraph 3(d) of the Regulation and Inspection of Social Care (Wales) Act 2016, *anaw. 2*; sub-section (1) was amended by Schedule 3(1), paragraph 3(a) of the Regulation and Inspection of Social Care (Wales) Act 2016; sub-section (3) and words in sub-section (4) were repealed by the Regulation and Inspection of Social Care (Wales) Act 2016; sub-section (4) was added by Schedule 5(1), paragraph 4(3) of the Health and Social Care Act 2008, c. 14.

(2) In this paragraph “hospital” has the meaning given in section 275 of the National Health Service Act 2006<sup>(5)</sup>.

(3) In this paragraph “hospice” means an establishment other than a hospital whose primary function is the provision of palliative care to persons who are suffering from a progressive disease in its final stages.

#### **Other accommodation relating to healthcare provision**

**8.**—(1) A tenancy—

- (a) under which accommodation is provided to a person as a result of a duty imposed on a relevant NHS body by an enactment; and
- (b) which is not excluded by another provision of this Schedule.

(2) In this paragraph “relevant NHS body” means—

- (a) a clinical commissioning group; or
- (b) the National Health Service Commissioning Board.

(3) In this paragraph “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978<sup>(6)</sup>.

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<sup>(5)</sup> 2006 c. 41  
<sup>(6)</sup> 1978 c. 30