



Housing Act 1980

1980 CHAPTER 51

PART II

PRIVATE SECTOR TENANTS

Assured tenancies

56 Assured tenancies

- (1) A tenancy under which a dwelling-house is let as a separate dwelling is an assured tenancy and not a housing association tenancy (within the meaning of section 86 of the 1977 Act) or a protected tenancy if—
 - (a) it would, when created, have been a protected tenancy or, as the case may be, housing association tenancy but for this section ; and
 - (b) the conditions described in subsection (3) below are satisfied.
- (2) In this Part of this Act " assured tenant" means the tenant under an assured tenancy.
- (3) The conditions are that—
 - (a) the interest of the landlord has, since the creation of the tenancy, belonged to an approved body ;
 - (b) the dwelling-house is, or forms part of, a building which was erected (and on which construction work first began) after the passing of this Act; and
 - (c) before the tenant first occupied the dwelling-house under the tenancy, no part of it had been occupied by any person as his residence except under an assured tenancy.
- (4) In this Part of this Act " approved body " means a body, or one of a description of bodies, for the time being specified for the purposes of this Part of this Act in an order made by the Secretary of State.
- (5) After section 16 of the 1977 Act there is inserted the following section—

Status: This is the original version (as it was originally enacted).

“16A Assured tenancies.

A tenancy shall not be a protected tenancy at any time when it is an assured tenancy within the meaning of section 56 of the Housing Act 1980.”.

- (6) The preceding provisions of this section do not apply to a tenancy if, before the grant of the tenancy, the landlord has given the tenant a valid notice stating that the tenancy is to be a protected tenancy or, as the case may be, a housing association tenancy and not an assured tenancy.
- (7) A notice is not valid for the purposes of subsection (6) above unless it complies with the requirements of regulations made by the Secretary of State.

57 Effect of interest of landlord ceasing to belong to approved body

- (1) if the landlord under an assured tenancy ceases to be an approved body by reason only of a variation in the bodies or descriptions of bodies for the time specified in an order under section 56(4) of this Act, then in relation to—
 - (a) that tenancy ; and
 - (b) any further tenancy granted by the landlord to the person who immediately before the grant was in possession of the dwelling-house as an assured tenant;
 the landlord shall be treated, for the purposes of the condition in section 56(3)(a) above, as if it had remained an approved body.
- (2) If, for any period—
 - (a) the interest of the landlord under an assured tenancy has ceased to belong to an approved body, for any reason other than that mentioned in subsection (1) above; and
 - (b) but for this subsection the tenancy would thereby have become a housing association tenancy (within the meaning of section 86 of the 1977 Act) or a protected tenancy;

then so much of that period as does not exceed 3 months shall be disregarded in determining whether the condition in section 56(3)(a) above is satisfied in relation to that tenancy.

58 Application of Landlord and Tenant Act 1954

- (1) Part II of the Landlord and Tenant Act 1954 (renewal and continuation of tenancies) applies to assured tenancies as it applies to certain business and other tenancies by virtue of section 23 of that Act, but subject to the exceptions and modifications mentioned in Schedule 5 to this Act.
- (2) Part IV of that Act (miscellaneous and supplementary provisions) applies to assured tenancies subject to the exceptions and modifications mentioned in Schedule 5.