



# Landlord and Tenant Act 1985

## 1985 CHAPTER 70

### *Implied terms as to fitness for human habitation*

#### **8 Implied terms as to fitness for human habitation.**

- (1) In a contract to which this section applies for the letting of a house for human habitation there is implied, notwithstanding any stipulation to the contrary—
  - (a) a condition that the house is fit for human habitation at the commencement of the tenancy, and
  - (b) an undertaking that the house will be kept by the landlord fit for human habitation during the tenancy.
- (2) The landlord, or a person authorised by him in writing, may at reasonable times of the day, on giving 24 hours' notice in writing to the tenant or occupier, enter premises to which this section applies for the purpose of viewing their state and condition.
- (3) This section applies to a contract if—
  - (a) the rent does not exceed the figure applicable in accordance with the subsection (4), and
  - (b) the letting is not on such terms as to the tenant's responsibility as are mentioned in subsection (5).
- (4) The rent limit for the application of this section is shown by the following Table, by reference to the date of making of the contract and the situation of the premises:

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*Status: This is the original version (as it was originally enacted).*

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TABLE

<i>Date of making of contract</i>	<i>Rent limit</i>
Before 31st July 1923.	In London: £40. Elsewhere: £26 or £16 (see Note 1).
On or after 31st July 1923 and before 6th July 1957.	In London: £40. Elsewhere: £26.
On or after 6th July 1957.	In London: £80. Elsewhere: £52.

## NOTES

1. The applicable figure for contracts made before 31st July 1923 is £26 in the case of premises situated in a borough or urban district which at the date of the contract had according to the last published census a population of 50,000 or more. In the case of a house situated elsewhere, the figure is £16.
2. The references to "London" are, in relation to contracts made before 1st April 1965, to the administrative county of London and, in relation to contracts made on or after that date, to Greater London exclusive of the outer London boroughs.

- (5) This section does not apply where a house is let for a term of three years or more (the lease not being determinable at the option of either party before the expiration of three years) upon terms that the tenant puts the premises into a condition reasonably fit for human habitation.
- (6) In this section "house" includes—
- (a) a part of a house, and
  - (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.

**9 Application of s. 8 to certain houses occupied by agricultural workers.**

- (1) Where under the contract of employment of a worker employed in agriculture the provision of a house for his occupation forms part of his remuneration and the provisions of section 8 (implied terms as to fitness for human habitation) are inapplicable by reason only of the house not being let to him—
- (a) there are implied as part of the contract of employment notwithstanding any stipulation to the contrary, the like condition and undertaking as would be implied under that section if the house were so let, and
  - (b) the provisions of that section apply accordingly, with the substitution of "employer" for "landlord" and such other modifications as may be necessary.
- (2) This section does not affect any obligation of a person other than the employer to repair a house to which this section applies, or any remedy for enforcing such an obligation.
- (3) In this section "house" includes—
- (a) a part of a house, and
  - (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.

## **10 Fitness for human habitation.**

In determining for the purposes of this Act whether a house is unfit for human habitation, regard shall be had to its condition in respect of the following matters—

- repair,
- stability,
- freedom from damp,
- internal arrangement,
- natural lighting,
- ventilation,
- water supply,
- drainage and sanitary conveniences,
- facilities for preparation and cooking of food and for the disposal of waste water;

and the house shall be regarded as unfit for human habitation if, and only if, it is so far defective in one or more of those matters that it is not reasonably suitable for occupation in that condition.