



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^[F1]: Wales].

- (1) In a contract to which this section applies for the letting of a house ^[F2]in Wales 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.

^{F3}(2)

- (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:

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.

Changes to legislation: Landlord and Tenant Act 1985, Section 8 is up to date with all changes known to be in force on or before 20 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

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.
- [^{F4}(5A) This section does not apply if the contract is an occupation contract (for provisions about the condition of dwellings that are subject to an occupation contract, see Part 4 of the Renting Homes (Wales) Act 2016 (anaw 1)).
- (5B) In this section, “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).]
- (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.

Textual Amendments

- F1** Word in s. 8 heading inserted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\)](#), **ss. 1(2)(a), 2(2)**
- F2** Words in s. 8(1) inserted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\)](#), **ss. 1(2)(b), 2(2)**
- F3** S. 8(2) repealed (1.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 2 para. 12(1), **Sch. 10 Pt. 2** (with s. 97)
- F4** S. 8(5A)(5B) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **13(3)**

Modifications etc. (not altering text)

- C1** S. 8 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), **ss. 302, 307**

Changes to legislation:

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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. 13(1AB) inserted by [2016 c. 22 Sch. 7 para. 18\(2\)](#)